



Journal of the Senate

Number 11

Tuesday, February 25, 1992

CALL TO ORDER

The Senate was called to order by the President at 1:30 p.m. A quorum present—40:

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Burt	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

PRAYER

The following prayer was offered by the Rev. A. J. Richardson, Pastor, Bethel A.M.E. Church, Tallahassee:

O Lord, our Lord, how excellent and wondrous, how great and marvelous is your name; how majestic are your deeds. We pause at the beginning of this session, handling the affairs of state, to revere you and to acknowledge your presence. We recognize that to leave you out is to leave out too much.

We are grateful for so much. We thank you for life, health, homes, family, friends and for all things good, true, noble and right; for every opportunity of prayer. We are thankful for this state, for its concern for the least and helpless.

We pray, therefore, for those who have been elected to serve in various places in our state and its capital. May they be so blessed as to be courageous in their leadership, compassionate in their decisions and humble in their service—forever bearing in mind the egalitarian principles of our great nation.

We invoke your presence in this session. We pray in the authority and power of your word. Amen.

PLEDGE

Senator Kurth led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Weinstein, by two-thirds vote **SR 2460** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

SR 2460—A resolution recognizing February 25, 1992, as Project Columbus America Day to commemorate America's first entry in the Whitbread Round the World Race.

WHEREAS, in 1973, Whitbread Breweries, with the cooperation and in accordance with the regulations of the Royal Naval Sailing Association, launched the first fully crewed yacht race around the world, and

WHEREAS, the Whitbread Round the World Race covers 32,000 miles, through four great oceans, and has become the pinnacle of professional offshore yacht racing, and

WHEREAS, as of this date, the 1993-1994 Whitbread Round the World Race has 59 entries from 23 countries, and

WHEREAS, through the efforts of the Fort Lauderdale-based Project Columbus America, Inc., the first American-sponsored Maxi-Syndicate in the Whitbread will include an American entry in the race, and

WHEREAS, since the first race nearly 20 years ago, competition and technology in the race have risen nearly tenfold, and

WHEREAS, Project Columbus America is at the leading edge of yacht-technology, design, and engineering, and

WHEREAS, a round-the-world yacht race is an extremely grueling contest, and

WHEREAS, this highly organized and well-motivated American team exemplifies the spirit of competition, allied with endurance, great courage, and skill, in pitting its members' wits against all that the elements can deliver to them, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That, because of the significance of America's first entry in the Whitbread Round the World Race and Fort Lauderdale's importance as a recently designated leg of this world competition, and because Project Columbus America uses its achievements to help benefit the needy children of the Child Care Connection of Broward County, we recognize February 25, 1992, as Project Columbus America Day to demonstrate our pride and support of this enterprise.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the members of Project Columbus America as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Johnson, by two-thirds vote **SR 2458** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

SR 2458—A resolution recognizing 1992 as the "Year of the Gulf of Mexico" and commending the Mote Marine Laboratory in Sarasota for being designated as the lead agency in related efforts.

WHEREAS, the Gulf of Mexico, which is bordered by the United States on three sides, is a national treasure deserving of our time, attention, and best stewardship efforts, and

WHEREAS, although the Gulf of Mexico is a body of water that is of prime economic importance to the United States and is a recreational retreat for millions of Americans, there are signs of serious long-term environmental damage appearing throughout the marine ecosystem of the Gulf of Mexico, and

WHEREAS, commercial fishing in the Gulf of Mexico accounts for more than 20 percent of the total commercial fish yield of the United States, and the Gulf of Mexico currently yields close to twice the amount of shrimp as all other United States fisheries combined, and

WHEREAS, the estuaries, wetlands, and barrier islands of the Gulf of Mexico provide critical habitat for large populations of finfish, shellfish, waterfowl, shorebirds, colonial nesting birds, and 75 percent of the migratory waterfowl traversing the United States, and

WHEREAS, the Gulf of Mexico is an economic cornerstone for the states that border it, in that 90 percent of domestic offshore production of oil and gas comes from the Gulf of Mexico and close to 50 percent of the United States shipping tonnage passes through Gulf of Mexico ports, and

WHEREAS, it is estimated that tourism-related dollars in states that border the Gulf of Mexico contribute an estimated \$20 billion to the economy of the United States, drawing millions of sport fishermen and beach users annually, and

WHEREAS, during the past few decades, the Gulf of Mexico has begun to show signs of deteriorating environmental quality, including excess nutrients, toxic-substance contamination and pesticide contamination, and the presence of human pathogens, which are contributing to the deteriorating water quality and have closed fishing and shellfish areas in the Gulf of Mexico, and

WHEREAS, shoreline development, canal and channel dredging, and alterations of freshwater flow into the Gulf of Mexico estuaries are causing extensive losses of marshes, mangroves, and seagrass beds, which are critical and highly productive habitats to a wide variety of estuarine and marine organisms, and

WHEREAS, it is in the best interest of the United States and this state to preserve and enhance the natural and economic resources of the Gulf of Mexico by heightening awareness of the need for active participation in the protection of the Gulf of Mexico, and

WHEREAS, the President of the United States has issued a proclamation recognizing 1992 as the "Year of the Gulf of Mexico" and calling upon the people of the United States to observe such year with appropriate ceremonies and activities, and

WHEREAS, the Mote Marine Laboratory, a marine and environmental research and education center in Sarasota, Florida, has been designated as the lead agency for this effort, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate joins with the President of the United States in recognizing 1992 as the "Year of the Gulf of Mexico" and declaring that all federal and state agencies that have responsibility for matters affecting the Gulf of Mexico should take a responsible role in the cooperative effort to increase the awareness of the public regarding the immeasurable value of this resource and the current conditions that threaten its aesthetic and economic value.

BE IT FURTHER RESOLVED that the Florida Senate commends the Mote Marine Laboratory in Sarasota for being designated as the lead agency for efforts relating to the Year of the Gulf of Mexico.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Mote Marine Laboratory in Sarasota, Florida.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Bruner, by two-thirds vote **SR 2200** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bruner—

SR 2200—A resolution commending the Fort Walton Beach High School football team for its 1991 football season.

WHEREAS, the Fort Walton Beach High School football team, the Vikings, under the direction of Head Coach Jimmy Stephens and his excellent staff defeated all its opponents, ending the 1991 season with a 14-0 record, and

WHEREAS, the Vikings are the 1991 Class AAAA State Football Champions and are rated fifth in the nation, and

WHEREAS, by such achievements, the team has brought national honor to Fort Walton Beach High School, Fort Walton Beach, and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Fort Walton Beach High School football team, Head Coach Jimmy Stephens, and the coaching staff are commended for their outstanding accomplishments in bringing Fort Walton Beach High School to state and national prominence and excellence in high school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Fort Walton Beach High School football team, Head Coach Jimmy Stephens, and the coaching staff as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thomas, by two-thirds vote **SB 1674** was withdrawn from the Committee on Judiciary.

On motions by Senator Jenne, by two-thirds vote **CS for SB 1282** and **SB 2270** were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Thomas, by two-thirds vote **SB 1790** was withdrawn from the Committee on Rules and Calendar.

MOTIONS

On motion by Senator Johnson, the House was requested to return **CS for CS for HJR's 1727, 863 and 2035**.

On motions by Senator Thomas, the rules were waived and by two-thirds vote **CS for CS for SB 2206** was placed at the end of the Special Order Calendar.

On motion by Senator Thomas, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, February 27.

SPECIAL ORDER

CS for SB 1498—A bill to be entitled An act relating to county and municipal detention facilities; amending s. 951.23, F.S.; establishing the Jail Standards Committee in the Department of Corrections; providing for minimum standards; providing for enforcement; authorizing courts to enjoin confinement in facilities posing a threat to inmates' health and safety; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1498** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Senate resumed consideration of—

CS for SB 396—A bill to be entitled An act relating to voter registration; providing for the acceptance of voter registration applications and applications to change a name or address on a current voter registration by the Department of Highway Safety and Motor Vehicles in conjunction with the issuance or renewal of drivers' licenses or identification cards; providing an exception; providing for the designation of employees to be used; providing for forms; providing an effective date.

—which had been considered February 20. Pending **Amendment 1** by Senator Langley was adopted. The vote was:

Yeas—21 Nays—19

Senator Langley moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike all of lines 3-11 and insert: providing for the distribution of voter registration forms at Driver License Offices; providing an

On motion by Senator Girardeau, by two-thirds vote **CS for SB 396** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Girardeau, the rules were waived and **CS for SB 396** was ordered immediately certified to the House.

CS for SB 1266—A bill to be entitled An act relating to library cooperatives; creating ss. 257.40, 257.41, 257.42, F.S.; providing legislative intent; allowing the creation of library cooperative organizations; providing for the Division of Library and Information Services of the Department of State to establish standards and rules; requiring reports to be submitted to the division; authorizing the administrative unit of a library cooperative to receive grants from the state; requiring local matching funds; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for SB 1266** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Scott, the rules were waived and **CS for SB 1266** was ordered immediately certified to the House.

CS for SB 2308—A bill to be entitled An act relating to elections; amending s. 102.031, F.S., relating to persons allowed in the polling place; providing an effective date.

—was read the second time by title.

Senators Gordon and Girardeau offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1 (with Title Amendment)—On page 2, strike all of line 31 and insert: "Ann Kravitz Kids Voting Program."

And the title is amended as follows:

In title, on page 1, strike line 3 and insert: 100.401, F.S., the "Ann Kravitz Kids Voting Program";

On motion by Senator Gordon, by two-thirds vote **CS for SB 2308** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

HB 1795—A bill to be entitled An act relating to elections; amending ss. 103.011 and 103.021, F.S.; changing the manner in which presidential electors are nominated and elected and vote; amending s. 101.28, F.S., to conform; repealing s. 103.051, F.S., relating to meeting dates of presidential electors; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which failed:

Amendment 1—On page 3, strike all of lines 17 and 18 and insert:

This act shall take effect January 1, 1993.

The vote was:

Yeas—19 Nays—21

Amendment 2—On On page 3, strike all of lines 17 and 18 and insert:

This act shall take effect upon the passage of similar provisions by 35 other states.

The vote was:

Yeas—18 Nays—21

Senator Girardeau moved that the rules be waived and that **HB 1795** be read the third time by title. The motion failed.

SB 2452—A bill to be entitled An act relating to sentencing; providing that sexual contact or penetration is a victim injury that must be scored under sentencing guidelines; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike everything after line 22 and insert: victim injury on the "category 2" scoresheet form, and

WHEREAS, the Legislature intended and still intends that the least serious sexual battery offense, which is provided in section 794.011(5), Florida Statutes, is the basic charge of sexual battery and is necessarily included in the offenses provided in subsections (3) and (4), within the meaning of section 924.34, Florida Statutes, and

WHEREAS, the Legislature never intended that the sexual battery offense described in section 794.011(5), Florida Statutes, require any force or violence beyond the force and violence that is inherent in the accomplishment of "penetration" or "union," and

WHEREAS, the Florida Supreme Court recently found that the sexual battery offense provided in section 794.001(5), Florida Statutes, is not a necessarily included lesser offense to the sexual battery offense described in section 794.011(4), Florida Statutes, in the case of *Gould v. State*, 577 So.2d 1302 (Fla. 1991), NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. For purposes of calculating a recommended sentence under the sentencing guidelines, if the conviction is for an offense involving sexual contact and there is no evidence of ascertainable physical injury apart from the sexual contact or sexual penetration, victim injury has occurred and must be scored as:

- (1) Contact, if there was no sexual penetration; or
- (2) Penetration, if there was sexual penetration.

Section 2. Section 794.005, Florida Statutes, is created to read:

794.005 Legislative findings and intent as to basic charge of sexual battery.—The Legislature finds that the least serious sexual battery offense, which is provided in s. 794.011(5), was intended, and remains intended, to serve as the basic charge of sexual battery and to be necessarily included in the offenses charged under subsections (3) and (4), within the meaning of s. 924.34; and that it was never intended that the sexual battery offense described in s. 794.011(5) require any force or violence beyond the force and violence that is inherent in the accomplishment of "penetration" or "union."

Section 3. For the purpose of clarifying the law relating to lesser included offenses in sexual battery cases, section 794.011, Florida Statutes, is amended to read:

794.011 Sexual battery.—

(1) Definitions:

(a) The term "consent" means intelligent, knowing, and voluntary consent and shall not be construed to include coerced submission.

(b) The term "mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) The term "mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered to that person without his or her consent or due to any other act committed upon that person without his or her consent.

(d) The term "offender" means a person accused of a sexual offense.

(e) The term "physically helpless" means that a person is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) The term "retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) The term "serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) The term "sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) The term "victim" means the person alleging to have been the object of a sexual offense.

(j) The term "physically incapacitated" means that a person is bodily impaired or handicapped and substantially limited in his or her ability to resist or flee an act.

(2) A person 18 years of age or older who commits sexual battery upon, or injures the sexual organs of, a person less than 12 years of age in an attempt to commit sexual battery upon such person commits a capital felony, punishable as provided in ss. 775.082 and 921.141. If the offender is under the age of 18, that person is guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury is guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, under any of the following circumstances is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) When the victim is physically helpless to resist.

(b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.

(c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.

(d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.

(e) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.

(f) When the victim is physically incapacitated.

(5) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof does not use physical force and violence not likely to cause serious personal injury is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Evidence of the victim's mental incapacity or defect is admissible to prove that the consent was not intelligent, knowing, or voluntary; and the court shall instruct the jury accordingly.

(7) *The offense described in subsection (5) is included in any sexual battery offense charged under subsection (3) or subsection (4).*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike everything after line 1 and insert: An act relating to sexual offenses; providing that sexual contact or penetration is a victim injury that must be scored under sentencing guidelines; creating s. 794.005, F.S.; providing legislative findings and intent as to the basic charge of sexual battery; amending s. 794.011, F.S., to clarify that the offense described in s. 794.011(5), F.S., is a lesser included offense in any sexual battery offense charged under s. 794.011(3) or (4); providing an effective date.

On motion by Senator Grant, by two-thirds vote **SB 2452** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Grant, the rules were waived and **SB 2452** was ordered immediately certified to the House.

SB 28—A bill to be entitled An act relating to education; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for rules; providing for review and repeal; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendments which were moved by Senator Johnson and failed:

Amendment 1—On page 1, strike all of lines 29-31 and renumber subsequent sections.

Amendment 2—In title, on page 1, line 7, strike "providing for staff;"

Further consideration of **SB 28** was deferred.

SB 190—A bill to be entitled An act relating to taxation; exempting nonprofit corporations operated for the purpose of maintaining community cemeteries from the payment of specified taxes; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Childers and adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 10-16 and insert:

Section 1. Paragraph (bb) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(bb) *Community cemeteries.—Also exempt are purchases by any nonprofit corporation that has qualified under s. 501(c)(13) of the Internal Revenue Code of 1986, as amended, and is operated for the purpose of maintaining a cemetery that was donated to the community by deed.*

And the title is amended as follows:

In title, on page 1, strike all of lines 2-6 and insert: An act relating to sales and use taxation; amending s. 212.08, F.S.; exempting qualified nonprofit corporations operated for the purpose of maintaining community cemeteries from the payment of sales and use tax; providing an effective date.

On motion by Senator Childers, by two-thirds vote **SB 190** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for Tuesday, February 25, 1992: CS for SB 1498, CS for SB 396, CS for SB 1266, CS for SB 2308, HB 1795, SB 2452, SB 28, SB 190, CS for SB 316, CS for SB 550, SB 718, CS for SB 720, SB 1180, CS for CS for SB 1026, SB 990, CS for CS for SB 1062, CS for SB 2022, SB 1158, CS for SB 1148, CS for CS for SB 1280, CS for SB 1354, SB 1478, SB 1516, SB 310, SB 222, SB 448, CS for SB 568, SB 1066, SB 730, CS for SB 592, SB 594, CS for SB 1118, CS for SB 876, SB 1070, CS for SB 2262, CS for SB 1670, CS for SB 1800, CS for SB 984, CS for SB 904, CS for SB 610, SB 658, CS for SB 694, SB 1056, SB 1622, SB 1544, CS for SB 1546

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Education recommends the following pass: **SB 524** with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: **SB 334**, **SB 680**, **SB 1010**, **SB 1300**, CS for **SB 1430** with 1 amendment, CS for **SB 1698**, **SB 1838**, **SB 2224**

The Committee on Governmental Operations recommends the following pass: **SB 1912**

The Committee on Health and Rehabilitative Services recommends the following pass: **SB 2096** with 1 amendment

The Committee on Transportation recommends the following pass: SB 2236

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends the following pass: SB 2178 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on International Trade, Economic Development and Tourism recommends the following pass: SB 368

The bill was referred to the Committee on Education under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 1222

The Committee on Judiciary recommends the following pass: SB 2270

The Committee on Transportation recommends the following pass: SB 860 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Education recommends the following pass: SB 2076

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Executive Business, Ethics and Elections recommends the following pass: HB 1795, SB 584

The Committee on Finance, Taxation and Claims recommends the following pass: SB 444, CS for SB 996, SB 1762

The Committee on Governmental Operations recommends the following pass: SB 814, SB 1676, SB 1694

The Committee on Judiciary recommends the following pass: SB 22, CS for SB 66 with 1 amendment, CS for SB 120 with 1 amendment, SB 972 with 1 amendment, SB 1818, SB 1894 with 1 amendment

The Committee on Transportation recommends the following pass: SB 626 with 1 amendment, SB 812 with 2 amendments

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Executive Business, Ethics and Elections recommends the following not pass: SB 762

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 864

The Committee on Personnel, Retirement and Collective Bargaining recommends the following not pass: SB 1250

The Committee on Transportation recommends the following not pass: SB 352

The bills contained in the foregoing reports were laid on the table.

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 1134, SB 1882

The Committee on Education recommends committee substitutes for the following: SB 394, SB 716, SB 1710, SB 2254

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 578, CS for SB 966, SB 1136, CS for SB 1520, CS for SB 1788

The Committee on Governmental Operations recommends committee substitutes for the following: SB 1994, SB 2326, SB 2356

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 2144, SB 2306

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2100

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1096 and SB 2414

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1900

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: CS for SB 666, SB 888

The Committee on Transportation recommends a committee substitute for the following: SB 2238

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 784

The Committee on Judiciary recommends a committee substitute for the following: SB 1068

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2122

The Committee on Transportation recommends a committee substitute for the following: SB 2358

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 562

The bill with committee substitute attached was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 962

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1540

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1696

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 1736

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 948, SB 1680, SB 2228, SB 2288

The Committee on Transportation recommends a committee substitute for the following: SB 1624

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1726

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1592, SB 2034

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 726

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1636

The bill with committee substitute attached was referred to the Committee on International Trade, Economic Development and Tourism under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1232

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1908 and 170

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1768

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2264

The bill with committee substitute attached was referred to the Committee on Professional Regulation under the original reference.

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: CS for SB 692

The Committee on Governmental Operations recommends a committee substitute for the following: SM 8

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: SB 40, CS for SB 84, SB 842, SB 1146, SB 1598, SB 1864, CS for SB 2206

The Committee on Community Affairs recommends committee substitutes for the following: SB 262, SB 608

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 1316

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 940

The Committee on Judiciary recommends committee substitutes for the following: SB 386, SB 536, SB 1252, SB 1632

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1324

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Subcommittee on Legislative Reapportionment recommends favorably to the full committee the following: Senate Joint Resolution 2498

Pat Thomas, Chairman
Subcommittee on Legislative Reapportionment
Committee on Reapportionment

The Subcommittee on Health Care recommends unfavorably to the full committee the following: Senate Bill 2036

Jeanne Malchon, Chairman
Subcommittee on Health Care
Committee on Health and Rehabilitative Services

BILLS RECALLED FROM SUBCOMMITTEE

The following bills which were referred to the Subcommittee on Legislative Reapportionment have been withdrawn: Senate Joint Resolutions 2496, 2500, 2502

Jack D. Gordon, Chairman
Committee on Reapportionment

REQUESTS FOR EXTENSION OF TIME

February 21, 1992

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 538, 638, 892, 2074; House Bill 883

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 30, 44, 62, 92, 124, 138, 140, 150, 176, 180, 186, 214, 226, 290, 304, 340, 346, 350, 388, 430, 534, 552, 574, 622, 646, 702, 708, 728, 740, 790, 850, 866, 912, 944, 978, 1036, 1052, 1074, 1098, 1166, 1246, 1284, 1318, 1332, 1340, 1402, 1416, 1428, 1442, 1460, 1462, 1464, 1466, 1482, 1494, 1530, 1552, 1554, 1570, 1616, 1664, 1678, 1682, 1744, 1810, 1814, 1822, 1832, 1844, 1904, 1906, 1910, 1968, 1980, 1984, 2016, 2024, 2028, 2054, 2058, 2062, 2080, 2086, 2092, 2098, 2116, 2132, 2168, 2284, 2320, 2324, 2336, 2354, 2392, 2396, 2406; House Bills 465, 589

The Committee on Community Affairs requests an extension of 15 days for consideration of the following: Senate Bills 328, 360, 410, 460, 490, 560, 632, 830, 854, 950, 982, 1012, 1054, 1126, 1176, 1194, 1308, 1336, 1472, 1518, 1620, 1734, 1748, 1750, 1840, 1898, 1918, 1934, 1938, 1966, 2056, 2084, 2134, 2158, 2196, 2272, 2292, 2296, 2302, 2372, 2422; House Bill 723

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 126, 514, 562, 796, 1034, 1088, 1392, 1522, 1846, 2310, 2344

The Committee on Criminal Justice requests an extension of 15 days for consideration of the following: Senate Bills 42, 46, 168, 172, 198, 246, 466, 780, 856, 872, 886, 1028, 1030, 1072, 1160, 1228, 1364, 1408, 1424, 1510, 1576, 1666, 1722, 1728, 1830, 1948, 2138, 2154, 2298, 2304; House Bills 405, 2239

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 130, 204, 308, 322, 354, 358, 440, 468, 502, 524, 558, 576, 682, 710, 752, 770, 802, 838, 906, 934, 998, 1032, 1092, 1122, 1242, 1254, 1262, 1290, 1326, 1348, 1436, 1446, 1508, 1514, 1556, 1566, 1618, 1658, 1742, 1834, 1848, 1858, 1860, 1996, 2076, 2120, 2156, 2234, 2286, 2290, 2340

The Committee on Executive Business, Ethics and Elections requests an extension of 15 days for consideration of the following: Senate Bills 54, 98, 188, 238, 292, 844, 1084, 1090, 1184, 1230, 1888, 2220, 2222, 2300; House Bill 745

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 74, 112, 164, 284, 300, 370, 416, 420, 422, 426, 462, 478, 492, 498, 506, 596, 620, 644, 706, 846, 870, 908, 918, 924, 936, 952, 962, 974, 1004, 1022, 1108, 1116, 1124, 1130, 1156, 1186, 1210, 1256, 1258, 1282, 1292, 1296, 1304, 1458, 1484, 1500, 1502, 1528, 1564, 1588, 1656, 1774, 1784, 1924, 1976, 1990, 2002, 2014, 2040, 2044, 2046, 2048, 2052, 2094, 2184, 2192, 2226, 2230, 2232, 2250, 2270, 2274, 2312

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 250, 296, 438, 580, 832, 988, 1058, 1708, 1726, 1776, 1884, 1960, 1986, 2060, 2186, 2322, 2348, 2388, 2412

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 200, 212, 278, 330, 356, 412, 488, 572, 612, 662, 712, 736, 794, 804, 898, 976, 986, 1120, 1366, 1378, 1426, 1440, 1532, 1548, 1558, 1574, 1652, 1820, 1972, 1978, 2008, 2036, 2102, 2126, 2128, 2130, 2136, 2244, 2248, 2330, 2368, 2370; House Bills 881, 1075

The Committee on Health and Rehabilitative Services Subcommittee on Health Care requests an extension of 15 days for consideration of the following: Senate Bills 122, 2070

The Committee on International Trade, Economic Development and Tourism requests an extension of 15 days for consideration of the following: Senate Bills 512, 1956, 2078

The Committee on Judiciary requests an extension of 15 days for consideration of the following: Senate Bills 16, 70, 96, 216, 270, 276, 302, 318, 326, 366, 378, 402, 446, 452, 470, 484, 486, 520, 582, 602, 636, 742, 756, 772, 980, 1018, 1042, 1050, 1082, 1144, 1236, 1248, 1272, 1278, 1330, 1338, 1412, 1448, 1450, 1452, 1454, 1480, 1492, 1550, 1646, 1674, 1702, 1718, 1764, 1772, 1782, 1836, 1862, 1866, 1926, 1928, 1946, 1964, 2006, 2038, 2118, 2142, 2166, 2170, 2188, 2242, 2252, 2280, 2332, 2346; House Bill 2275

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 136, 202, 242, 546, 660, 672, 686, 788, 792, 828, 852, 942, 1112, 1208, 1270, 1438, 1542, 1634, 1642, 1794, 1796, 1842, 1854, 1872, 1874, 1876, 1878, 1936, 2018, 2172, 2176, 2194, 2260, 2268, 2316, 2338

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 32, 192, 604, 628, 630, 862, 884, 1226, 1276, 1306, 1584, 1780, 1930, 1940, 2004, 2198

The Committee on Professional Regulation requests an extension of 15 days for consideration of the following: Senate Bills 264, 614, 640, 642, 1086, 1322, 1444, 1474, 1942, 1988, 2012, 2032, 2090, 2150, 2180, 2214, 2276, 2380; House Bills 63, 287, 2267, 2269

The Committee on Reapportionment requests an extension of 15 days for consideration of the following: Senate Bills 1204, 1380, 1386, 1388, 1662, 1668, 1886, 2140, 2498

The Committee on Reapportionment Congressional Subcommittee requests an extension of 15 days for consideration of the following: Senate Bill 1382

The Committee on Reapportionment Legislative Subcommittee requests an extension of 15 days for consideration of the following: Senate Bills 2496, 2500, 2502, 2504

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 10, 18, 24, 52, 152, 286, 436, 480, 556, 668, 738, 748, 766, 774, 786, 800, 834, 880, 910, 922, 992, 1102, 1128, 1138, 1328, 1410, 1414, 1468, 1504, 1512, 1568, 1790, 1798, 1826, 1914, 1916, 1920, 1922, 2050, 2064, 2066, 2082, 2088, 2190, 2200, 2204, 2210, 2258, 2342, 2394, 2404, 2408, 2428, 2434, 2436, 2438, 2440, 2442, 2448, 2450, 2454, 2456, 2458, 2460, 2464, 2466, 2468

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 554, 902, 1132, 1140, 1170, 1344, 1376, 1640, 1672, 1856, 2208, 2328

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 36, 68, 400, 424, 530, 744, 818, 878, 1002, 1020, 1100, 1192, 1196, 1562, 1982, 2294

February 25, 1992

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 6, 12, 34, 78, 80, 82, 94, 106, 110, 114, 118, 142, 146, 156, 182, 220, 224, 228, 248, 260, 266, 268, 272, 288, 294, 320, 334, 336, 338, 344, 348, 376, 382, 390, 392, 394, 398, 404, 406, 408, 432, 434, 442, 450, 458, 472, 504, 518, 522, 540, 542, 548, 564, 566, 586, 590, 598, 618, 624, 656, 666, 678, 680, 684, 688, 690, 696, 704, 714, 716, 754, 764, 820, 822, 824, 826, 840, 888, 896, 928, 930, 938, 946, 956, 958, 964, 968, 970, 994, 1008, 1010, 1014, 1024, 1040, 1048, 1064, 1078, 1096, 1106, 1110, 1134, 1152, 1154, 1162, 1178, 1202, 1224, 1240, 1274, 1300, 1302, 1312, 1314, 1342, 1350, 1352, 1356, 1368, 1370, 1374, 1390, 1394, 1396, 1430, 1456, 1486, 1520, 1524, 1526, 1534, 1536, 1578, 1590, 1614, 1648, 1660, 1686, 1698, 1706, 1710, 1712, 1716, 1752, 1754, 1756, 1758, 1760, 1804, 1808, 1812, 1838, 1850, 1852, 1870, 1882, 1890, 1892, 1896, 1900, 1902, 1912, 1950, 1962, 1992, 1994, 1998, 2000, 2010, 2026, 2030, 2042, 2096, 2100, 2104, 2108, 2112, 2114, 2124, 2144, 2162, 2164, 2216, 2218, 2224, 2236, 2238, 2254, 2266, 2278, 2282, 2318, 2326, 2356, 2416; House Bill 1977

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Governmental Operations and Senators Johnson and Grant—

CS for SM 8—A memorial to the Congress of the United States, urging Congress to abandon deficit financing and to adopt balanced budget financing of the national budget.

By the Committee on Appropriations and Senators Johnson, Grant, Myers, Thurman, Girardeau, Kirkpatrick, Casas, Dantzler, Grizzle, Jenne, Jennings, Kiser, Langley, Meek, Souto, Thomas, Yancey, Crenshaw, Walker, Diaz-Balart, Weinstein, Burt, Beard, Malchon, Wexler, Plummer, Crotty, Kurth, Weinstock, Scott and McKay—

CS for SB 40—A bill to be entitled An act relating to the Impaired Drivers and Speeders Trust Fund; amending s. 413.613, F.S.; providing

for appropriation of moneys in the fund to the University of Florida and the University of Miami for spinal cord injury and head injury research; requiring the Board of Regents to establish a program review process; providing an effective date.

By the Committees on Appropriations; and Health and Rehabilitative Services—

CS for CS for SB 84—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; substantially revising the act; providing clarification; deleting obsolete provisions; amending s. 499.001, F.S.; providing a short title; amending s. 499.002, F.S.; providing the purpose of the act; amending s. 499.003, F.S.; providing definitions; providing new definitions for the terms "closed pharmacy," "compressed medical gas," "counterfeit drug, counterfeit device, or counterfeit cosmetic," "establishment," "health care entity," "manufacture," and "prepackaged drug product"; amending the definitions of "certificate of free sale," "investigational drug," "label," "legend drug," "manufacturer," "person," "proprietary drug," and "technical panel"; deleting the definitions of "generic drug," "repackager," and "wholesaler"; amending s. 499.004, F.S.; providing for administration and enforcement of the act by the Department of Health and Rehabilitative Services; amending s. 499.005, F.S.; prohibiting certain acts; prohibiting counterfeiting of a drug, device, or cosmetic; prohibiting purchasing, receiving, selling, or transferring of drugs from and to unauthorized persons; prohibiting the sale, purchase, or trade of drug samples; prohibiting the failure to maintain records; prohibiting providing the department with false records or statements; importing of drugs, the wholesale distribution of prescription drugs by health care entities or charitable organizations, and the failure to obtain a permit; amending s. 499.0053, F.S.; providing to the department the power to administer oaths, take depositions, and issue and serve subpoenas; amending s. 499.0054, F.S.; prohibiting certain acts relating to advertising and labeling drugs, devices, and cosmetics; deleting the prohibition against advertising legend drugs in a general circulation publication; amending s. 499.0055, F.S.; providing for determining whether an advertisement is false or misleading; amending s. 499.0057, F.S.; providing advertising exemptions; deleting an advertising exemption; removing the department's authority to authorize certain drug advertising; clarifying language pertaining to the statutory construction of this section; amending s. 499.006, F.S.; providing criteria by which a drug or device is considered to be adulterated; adding a new criterion regarding the expiration date; amending s. 499.007, F.S.; providing criteria by which a drug or device is considered to be misbranded; deleting labeling requirement to include information about repackagers; clarifying that controlled substances must meet labeling requirements; amending s. 499.008, F.S.; providing criteria by which cosmetics are considered to be adulterated; amending s. 499.009, F.S.; providing criteria by which cosmetics are considered to be misbranded; amending s. 499.01, F.S.; substantially revising and expanding the permitting process; providing for issuing, renewing, and general requirements for permits for drug manufacturing, drug wholesaling, device manufacturing, and cosmetic manufacturing, and for medical-oxygen retail establishments and veterinary legend-drug retail establishments and distributing complimentary drugs; creating s. 499.012, F.S.; providing for wholesale distribution of drugs; providing definitions for the terms "wholesale distribution," "wholesale distributor," and "retail pharmacy"; providing requirements for various types of permits; providing education and experience requirements for personnel employed in wholesale prescription drug distribution; providing for reciprocity; creating s. 499.0121, F.S.; providing storage and handling requirements for prescription drugs regarding facilities; security; storage; examination of materials; returned, damaged, or outdated prescription drugs; recordkeeping; written policies and procedures; responsible persons; compliance with federal, state, and local law; and salvaging and reprocessing; creating s. 499.0122, F.S.; providing for permitting of medical oxygen retail establishments and veterinary legend drug retail establishments; providing definitions for the terms "medical oxygen retail establishment," "prescription medical oxygen," "veterinary legend drug," and "veterinary legend drug retail establishment"; providing general requirements; providing that retail establishments must comply with wholesale distribution requirements; creating s. 499.013, F.S.; providing a definition for the term "manufacture"; exempting pharmacies from this definition under certain conditions; requiring a permit for the manufacture of drugs, devices, or cosmetics; providing specific permit requirements; authorizing prescription drug manufacturers and compressed medical gas manufacturers to engage in wholesale distribution if certain conditions are met; providing an exemption for persons who only label or change the labeling of a cosmetic; providing rulemaking authority; creating s. 499.014, F.S.; providing for the distribution of legend drugs by hos-

pitals, health care entities, and charitable organizations; requiring a restricted prescription drug distributor permit for such organizations; providing for storage, handling, and recordkeeping requirements; providing rulemaking authority; amending s. 499.015, F.S.; providing for the biennial registration of drugs, devices, and cosmetics and for the issuance of a certificate of free sale for any product registered under ss. 499.001-499.081, F.S.; amending cross-references; amending s. 499.018, F.S.; providing for applications for approval of investigational drugs; providing confidentiality; reenacting and amending s. 499.019, F.S.; providing for clinical investigation reports of investigational drugs; amending s. 499.02, F.S.; renaming the Florida Drug and Cosmetic Technical Review Panel as the Florida Drug Technical Review Panel; amending s. 499.021, s. 499.022, F.S.; amending the authority and duties of the panel; amending s. 499.023, F.S.; providing prerequisites to selling, holding for sale, manufacturing, repackaging, distributing, or giving away a new drug; amending s. 499.024, F.S.; providing for drug classification; correcting cross-references; amending s. 499.025, F.S.; providing identification requirements for prescription drug products in finished, solid, oral dosage form; amending s. 499.028, F.S.; substantially revising and expanding the section to include drug samples and starter packs; requiring manufacturers and distributors to obtain permits to distribute or dispose of complimentary drugs; providing definitions for the terms "drug sample or complimentary drug" and "starter packs"; prohibiting selling, purchasing, or trading drug samples; providing requirements for distribution, storage, and inventorying of drug samples; providing reporting requirements and a requirement regarding out-of-date drug samples; providing for an increased application fee; providing for biennial permit renewal; providing that the provisions of ch. 893 apply to drug samples that are controlled substances; specifying who may possess a prescription drug sample; amending s. 499.03, F.S.; prohibiting the possession of any habit-forming, toxic, harmful, or new legend drug or any medicinal drug without a prescription; providing exemptions and exceptions; amending cross-references; further specifying who may possess legend drugs; amending s. 499.032, F.S.; requiring a prescription for dispensing phenylalanine; clarifying meaning; amending s. 499.035, F.S.; regulating the manufacture, distribution, delivery, possession, sale, advertising, and use of dimethyl sulfoxide; deleting provisions relating to human use; amending s. 499.039, F.S.; prohibiting the sale, distribution, or transfer of certain harmful chemical substances; clarifying meaning; providing penalties; amending s. 499.04, F.S.; authorizing the department to collect fees for drug, device, and cosmetic applications, permits, registrations, and free-sale certificates; providing that fees must be adequate to fund the proportionate expenses incurred; deleting obsolete provisions; providing that the department will establish fee schedules and will adjust fees based on costs to administer this act; amending s. 499.041, F.S.; substantially revising fees; providing a schedule of fees for drug, device, and cosmetic applications and permits, investigational drug applications, product registrations, and free-sale certificates; providing for an initial application fee for new permits; providing for depositing the fee proceeds into the Florida Drug, Device, and Cosmetic Trust Fund; deleting obsolete language; amending s. 499.05, F.S.; providing rulemaking authority to the department; amending s. 499.051, F.S.; providing to the department and to the Department of Law Enforcement the authority to conduct inspections and investigations for the purpose of enforcing ss. 499.001-499.081 and chs. 893, 501, and 465, F.S.; specifying what is included in the authority to inspect; providing confidentiality for information obtained in an ongoing investigation; providing for review under the Open Government Sunset Review Act; amending s. 499.052, F.S.; providing departmental officers or employees with the authority to have and to copy records of interstate shipment of drugs, devices, or cosmetics; deleting redundant language; amending s. 499.055, F.S.; providing for the department to publish reports and disseminate information; reenacting s. 499.057, F.S.; providing for the payment of expenses and salaries; amending s. 499.06, F.S.; providing for embargoing, detaining, or destroying an article or processing equipment that violates ss. 499.001-499.081, F.S., or rules adopted under those sections; amending s. 499.062, F.S.; providing for the seizure and condemnation of any adulterated or misbranded drug, device, or cosmetic; deleting redundant language; amending s. 499.063, F.S.; providing procedures for seizure; prohibiting the sale or disposal of seized articles without permission; providing penalties; deleting redundant language; reenacting and amending s. 499.064, F.S.; providing for the condemnation or sale, or the release, of seized articles; providing that the proceeds of the sale of drugs, devices, and cosmetics be deposited into the Florida Drug, Device, and Cosmetic Trust Fund; amending s. 499.066, F.S.; substantially revising penalties and remedies; providing penalties and other remedies for specified violations; providing for injunctive proceedings; providing for deposit of rewards, fines, and collections into the Florida Drug,

Device, and Cosmetic Trust Fund; deleting obsolete language; amending s. 499.067, F.S.; providing for the denial, suspension, or revocation of a permit or registration; deleting obsolete language; amending s. 499.069, F.S.; providing for punishment of violations of s. 499.005, F.S.; providing a good-faith exemption; providing an exemption from liability for disseminating a false advertisement; amending s. 499.07, F.S.; providing a duty to institute and prosecute appropriate proceedings; amending s. 499.071, F.S.; providing for the issuance of warnings for minor violations; amending s. 499.081, F.S.; providing an exemption from ss. 499.001-499.081, F.S., for carriers in interstate commerce; repealing ss. 499.011, 499.016, 499.017, 499.037, 499.042, 499.068, 499.401, 499.501, 499.502, 499.503, F.S., relating to examination and investigation fees, to revocation and suspension of registration, to drug wholesaler, drug repacker, and drug, device, or cosmetic manufacturer permits, to renewal of permits, to inspections, to fees, to applications for approval of proprietary drugs, to generic drugs, to amygdalin (laetrile), to manufacture, distribution, delivery, possession, sale, and use, to regulation, to inspection, and to misbranding of toilet articles, to regulating the sale of lye and providing penalties for violations, and to defining the term "caustic"; reviving and readopting ss. 499.001, 499.002, 499.003, 499.004, 499.005, 499.0053, 499.0054, 499.0055, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.015, 499.018, 499.019, 499.023, 499.024, 499.025, 499.028, 499.03, 499.032, 499.035, 499.039, 499.04, 499.041, 499.051, 499.052, 499.055, 499.057, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067, 499.069, 499.07, 499.071, 499.081, F.S.; providing an appropriation; providing an effective date.

By the Committee on Community Affairs and Senators Langley, Childers and Bruner—

CS for SB 262—A bill to be entitled An act relating to comprehensive planning; amending s. 163.3184, F.S.; prescribing authority of local governing body to readopt density requirements of comprehensive plan or plan amendment not in compliance with ss. 163.3161-163.3215, F.S.; prohibiting application of sanctions against a local government readopting such a plan or plan amendment; providing an effective date.

By the Committee on Judiciary and Senators Malchon and Grant—

CS for SB 386—A bill to be entitled An act relating to consumer transaction fraud; creating s. 501.2077, F.S.; providing enhanced civil penalties with respect to a consumer transaction violation which victimizes or attempts to victimize a senior citizen or handicapped person; providing definitions; providing for priority of restitution orders and actual damages; providing for deposit and disbursement of enhanced civil penalties; amending s. 501.2075, F.S., relating to civil penalties, to conform; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 394—A bill to be entitled An act relating to education; amending s. 233.068, F.S.; providing legislative intent; authorizing certain admissions provisions for self-contained, open-entry programs of career development and applied technology in public secondary schools; requiring coordinated academic and vocational programs, participation by local businesses and industries, a mission statement, student assistance, basic skills instruction, and student assessment; authorizing each school district to submit a plan and requiring the Commissioner of Education to select a specified number of plans for implementation; providing an implementation date; requiring certain reports; amending s. 228.076, F.S.; revising provisions relating to eligibility for receipt of funds for vocational or adult general education programs; providing for the offering of programs in certain areas of the state; creating ch. 239, F.S., relating to vocational, adult, and community education; providing for organization of the chapter; creating s. 239.101, F.S.; providing intent; creating s. 239.105, F.S.; providing definitions; creating s. 239.109, F.S.; providing for vocational and adult education interinstitutional articulation agreements; creating s. 239.113, F.S., relating to registration of adult students; creating s. 239.117, F.S., relating to postsecondary student fees; creating s. 239.121, F.S., relating to occupational specialists; creating s. 239.125, F.S.; providing for computer-assisted student advising; creating s. 239.201, F.S., relating to the conduct of job-related vocational instruction; creating s. 239.205, F.S., relating to State Board of Education rules regarding vocational education programs, common definitions, criteria for determining program level, and basic skills standards; creating s. 239.209, F.S., relating to a vocational education management information system; creating s. 239.213, F.S., relating to vocational preparatory instruction; creating s. 239.217, F.S., relating to the Florida gold seal vocational endorsement program; creating s. 239.221, F.S.; requiring the use of eye-

protective devices in certain vocational courses; creating s. 239.225, F.S., relating to the Vocational Improvement Trust Fund; creating s. 239.229, F.S., relating to vocational standards; creating s. 239.233, F.S., relating to annual reports, performance indicators, and longitudinal analyses for postsecondary adult vocational programs; creating s. 239.237, F.S.; providing for a vocational and adult education equipment system; creating s. 239.241, F.S.; providing for vocational dual enrollment and early admission; creating s. 239.245, F.S.; providing for consumer information for vocational education programs; creating s. 239.301, F.S., relating to adult general education; creating s. 239.305, F.S., relating to an adult literacy plan and adult literacy programs; creating s. 239.401, F.S., relating to community education; creating s. 239.501, F.S., relating to the Florida Literacy Corps; creating s. 239.505, F.S., relating to Florida constructive youth programs; creating s. 239.509, F.S., relating to the Sunshine State Skills Program; providing for confidentiality of certain information; creating s. 239.513, F.S., relating to workforce literacy programs; creating s. 239.517, F.S., relating to the industry services training program; amending s. 228.041, F.S., relating to definitions; defining lifelong learning; amending ss. 229.565, 230.2303, F.S.; conforming cross-references; amending ss. 229.592 and 229.594, F.S., relating to school improvement; providing for incorporation of vocational standards; amending s. 231.0861, F.S.; requiring certain educational administrators to demonstrate knowledge about vocational education; amending s. 231.1725, F.S.; directing the State Board of Education to establish minimum qualifications for certain teachers; exempting certain teachers from fingerprinting requirements; directing the department to distribute state certificates for certain teachers; amending s. 231.3505, F.S.; revising provisions relating to the employment of vocational education directors; amending s. 231.613, F.S.; providing for inservice instruction in vocational education; amending s. 231.614, F.S.; revising provisions relating to an inservice plan for vocational educators; deleting certain requirements; creating a vocational inservice education task force; providing for duties; amending s. 231.62, F.S.; revising provisions relating to critical teacher shortage areas; amending s. 232.246, F.S.; conforming cross-references; amending s. 232.45, F.S., relating to eye-protective devices; deleting references to vocational education; amending s. 233.051, F.S.; conforming a cross-reference; amending s. 235.15, F.S.; requiring the department to conduct educational plant surveys for vocational and adult education programs; amending s. 235.435, F.S.; adding certain students for purposes of public education capital outlay allocation calculations; amending s. 236.081, F.S., relating to the Florida Education Finance Program; providing for funding for vocational education; conforming cross-references; conforming provisions; revising certain calculations; amending s. 237.34, F.S.; revising cost-reporting provisions; amending s. 240.117, F.S.; conforming a cross-reference; amending s. 240.324, F.S., relating to community college accountability; including vocational standards; amending s. 240.35, F.S., relating to community college student fees; deleting the requirement that certain students apply for financial aid prior to receiving a fee exemption; deleting references to in-kind contributions; deleting references to customized supplemental vocational instruction; revising provisions to conform; amending s. 240.359, F.S., relating to state financial support and apportionment to community college districts; revising provisions to conform; amending ss. 240.36, 240.604, 440.16, F.S.; conforming cross-references; creating s. 246.35, F.S.; providing for consumer information for vocational education programs; creating s. 455.212, F.S.; providing educational requirements relating to licensure by licensing boards; encouraging the Board of Regents to develop programs for vocational educators; directing the Department of Education to review certain certification areas and determine necessary revisions; requiring the State Board of Education to adopt a statewide vocational articulation agreement; repealing s. 228.071, F.S., relating to community education, to conform; repealing ss. 228.0713, 228.0715, 228.0716, F.S., relating to adult literacy, to conform; repealing s. 228.0725, F.S., relating to adult literacy centers; repealing ss. 228.072, 228.0727, F.S., relating to adult education, to conform; repealing s. 228.073, F.S., relating to vocational and adult education planning regions; repealing ss. 228.074, 228.075, F.S., relating to regional coordinating councils; repealing s. 228.077, F.S., relating to customized supplemental vocational instruction; repealing s. 229.132, F.S., relating to adult student registration, to conform; repealing s. 229.551(3)(g), F.S., relating to certain vocational reporting requirements, to conform; repealing s. 229.557, F.S., relating to the vocational education management information system, to conform; repealing s. 229.558, F.S., relating to reporting requirements; repealing s. 230.23165, F.S., relating to Florida constructive youth programs, to conform; repealing s. 230.645, F.S., relating to postsecondary student fees, to conform; repealing s. 230.66, F.S., relating to the industry services training program, to conform; repealing s. 232.2467, F.S., relating to the Florida gold seal voca-

tional endorsement, to conform; repealing s. 233.0681, F.S., relating to occupational specialists, to conform; repealing s. 233.0682, F.S., relating to State Board of Education regulations; repealing s. 233.069, F.S., relating to the Vocational Improvement Fund, to conform; repealing s. 233.0695, F.S., relating to vocational preparatory instruction, to conform; repealing s. 240.301(5), F.S., relating to certain student fees, to conform; repealing s. 240.355, F.S., relating to certain rules with respect to vocational education, to conform; repealing s. 240.356, F.S., relating to the Sunshine State Skills Program, to conform; repealing 240.358, F.S., relating to workforce literacy programs, to conform; repealing ss. 240.4022, F.S., relating to the Vocational Achievement Grant Program; repealing s. 240.4023, F.S., relating to specified funding; providing effective dates.

By the Committee on Judiciary and Senator Davis—

CS for SB 536—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing prerequisites to issuing mutual orders of protection; providing requirements for such orders; providing limitations on the legal implications of granting such orders; providing an effective date.

By the Committee on Criminal Justice and Senator Gardner—

CS for SB 562—A bill to be entitled An act relating to sexual predators; creating the "Florida Sexual Predators Act"; providing that repeat sex offenders and sex offenders who use violence to inflict physical injury are sexual predators; requiring the Sentencing Commission to recommend changes in the criminal law regarding needed enhancements in the sentencing of such offenders; requiring registration of sexual predators and providing for the monitoring and tracking of registered sexual predators by law enforcement personnel through a computerized system maintained by the Department of Law Enforcement; providing criminal penalties for violations of the registration requirements and exceptions from such requirements; requiring the provision of certain written notices of the registration requirements; providing legislative findings and purpose as to sexual predators and providing criteria defining sexual predators; requiring enhanced sentencing; establishing the Sexual Predators Review Board and providing membership and powers and duties of the board, including oversight of the release and supervision, and, where indicated, the recommitment of sexual predators released into the community; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Grizzle—

CS for SB 578—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.03, F.S.; providing for distribution of additional air quality tag fee revenues to approved local air pollution programs under certain circumstances; providing an effective date.

By the Committee on Community Affairs and Senators Forman and Thurman—

CS for SB 608—A bill to be entitled An act relating to solar energy; amending s. 163.04, F.S.; providing clarification regarding the application of provisions relating to energy devices based on renewable resources; providing that a person may not be prohibited from installing solar collectors in a certain manner; providing an effective date.

By the Committees on Personnel, Retirement and Collective Bargaining; Governmental Operations; and Senator Malchon—

CS for CS for SB 666—A bill to be entitled An act relating to whistle-blowers; amending s. 112.3187, F.S.; amending the short title of the Whistle-blower's Act of 1986; providing a definition; amending the list of employees and persons protected by that act; increasing the time period within which a civil action may be brought; requiring specified types of relief; allowing the employer to receive an award of reasonable costs, including attorney's fees; providing for temporary reinstatement to employment; providing for defenses; providing that this section does not diminish existing rights; creating s. 112.3189, F.S.; providing investigative procedures upon receipt of whistle-blower information; providing applicability; providing for a whistle-blower's hotline; requiring the Chief Inspector General or other appropriate official to review information disclosed by the whistle-blower and make a preliminary determination; requiring, in specified circumstances, that the Chief Inspector General or another official conduct an investigation and submit written preliminary findings to the complainant; requiring an agency head, in specified circumstances, to conduct an investigation and submit a written report to the Chief Inspector General; specifying the contents of and deadline for

that report; providing duties of the Chief Inspector General; providing for confidentiality of the whistle-blower's identity, with exceptions; providing for confidentiality of information pertaining to an active investigation or inquiry; providing penalties for violations; providing for review of that exemption under the Open Government Sunset Review Act; creating s. 112.31895, F.S.; providing for administrative procedures in response to prohibited actions; establishing certain responsibilities in the Department of Legal Affairs; providing responsibilities of the Office of the Public Counsel; providing procedures for fact finding, reporting, investigations, and corrective action; providing prerequisites to a complainant's seeking corrective action from agencies other than the Public Counsel; providing for appropriate relief to be granted; providing for judicial review; providing for reporting suspected criminal violations to the Department of Law Enforcement; authorizing the Public Counsel to review fact-finding reports but providing an exception; providing for reporting certain suspected violations to an agency head; providing a saving clause; providing an effective date.

By the Committees on Executive Business, Ethics and Elections; Governmental Operations; and Senator Girardeau—

CS for CS for SB 692—A bill to be entitled An act relating to appointments to statewide boards and commissions; providing for demographic and geographic representation on statewide boards and commissions; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 716—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising terminology in definitions of the terms "school day" and "exceptional student" and defining the term "year-round school"; amending s. 228.053, F.S.; conforming cross-references; amending s. 228.195, F.S.; providing for school breakfast programs for pre-kindergarten students; amending s. 229.555, F.S.; requiring school improvement plans to meet certain planning and budgeting requirements; amending s. 229.592, F.S.; conforming cross-references; amending s. 229.808, F.S.; providing for biennial nonpublic school surveys; amending s. 229.8341, F.S.; revising terminology relating to services for infants and preschool children; amending s. 230.23, F.S.; revising provisions relating to district school board powers and duties for provision of special instruction and services for exceptional students; amending and renumbering s. 235.439, F.S.; revising provisions relating to program monitoring and evaluation of full school utilization programs; amending s. 230.2303, F.S.; revising terminology relating to the Florida First Start Program; amending s. 230.2305, F.S., and repealing subsection (5), relating to pre-kindergarten early intervention program plan approval; revising terminology; revising requirements for plans and plan approval; requiring certain guidelines; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention programs and program plans; deleting provisions relating to dropout retrieval assistance programs, a dropout prevention manual, community-based dropout prevention program grants, grants for mini-schools as educational alternatives, and grants for alternatives to out-of-school suspension; amending s. 230.2318, F.S.; conforming a cross-reference; amending s. 230.33, F.S.; revising provisions relating to planned school programs with respect to duties of the superintendent; amending s. 230.645, F.S.; providing for certain fee waivers; amending s. 231.15, F.S.; revising provisions relating to fees for certification; amending s. 231.17, F.S.; revising provisions relating to issuance of certificates, application procedures, the professional orientation program, and application of rules; requiring the state board to adopt rules under which applicants who have failed certain test requirements may be awarded a teaching certificate; amending s. 231.1711, F.S.; revising provisions relating to the statement of eligibility for certification; amending s. 231.173, F.S.; providing for qualification for certification of out-of-state administrators; amending s. 231.24, F.S.; revising provisions relating to certificate renewal; amending s. 231.603, F.S.; revising provisions relating to teacher education center inservice plans; amending s. 231.606, F.S.; revising teacher education center council duties; amending s. 231.609, F.S.; deleting college and university funding for teacher education centers; amending s. 231.613, F.S.; revising provisions relating to inservice training institutes; deleting requirements for plan approval; amending s. 231.62, F.S.; conforming a cross-reference; amending s. 232.01, F.S., relating to school attendance; revising terminology; amending s. 232.032, F.S.; providing for automated transfer of immunization certification; amending s. 232.246, F.S.; revising provisions relating to funding for special instruction for certain high school students; amending s. 232.2462, F.S.; revising provisions relating to attendance requirements for receipt of credit; creating s. 232.259, F.S.; authorizing rules to assist schools and school districts in

implementing driver's license requirements; amending s. 233.056, F.S.; revising terminology relating to certain instructional programs; amending s. 233.07, F.S.; revising definition of the term "instructional materials"; amending s. 233.16, F.S.; authorizing cash deposits in lieu of bonds for instructional materials contracts; amending s. 233.18, F.S.; revising provisions relating to copies of bids, contracts, and books; amending s. 233.25, F.S.; revising provisions relating to publishers and manufacturers of instructional materials; amending s. 234.01, F.S.; authorizing the provision of certain transportation; amending s. 234.041, F.S.; revising terminology relating to transportation of certain students; amending s. 235.014, F.S., and repealing subsection (3), relating to off-site hazards; revising provisions relating to functions of the Office of Educational Facilities; providing Department of General Services' duties; amending s. 235.19, F.S.; providing for request relating to off-site hazards; amending s. 235.26, F.S.; revising provisions relating to conformance to the state uniform building code; amending s. 236.013, F.S., relating to definitions; revising requirements for summer school programs; amending s. 236.081, F.S.; revising provisions relating to a program membership survey of schools and year-round schools; amending s. 236.0815, F.S.; revising provisions relating to funding of additional educational services to certain high school students; amending s. 236.083, F.S.; providing for funding for transportation to year-round schools; amending s. 236.0835, F.S.; revising terminology; amending s. 236.13, F.S.; conforming a cross-reference; amending s. 236.145, F.S., relating to residential nonpublic school contract reimbursement; revising terminology; amending s. 237.041, F.S.; revising provisions relating to the examination of annual budgets; amending s. 237.081, F.S.; revising provisions relating to submission of budgets; amending s. 240.405, F.S.; revising provisions relating to grants for teachers for training in exceptional student education; amending s. 242.332, F.S.; revising terminology; amending s. 381.0072, F.S.; deleting schools from provisions relating to food protection; repealing ss. 231.532, 233.0615, 236.022, 236.1227, 236.135, F.S., relating to district quality instruction incentives programs, law education, study of alternative methods of school finance, quality instruction incentive categorical program, and equipment purchasing or leasing; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Grant—

CS for SB 726—A bill to be entitled An act relating to certain port authority records and meetings; exempting such records and meetings from public records requirements; providing for future review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Langley—

CS for SB 784—A bill to be entitled An act relating to limitations of actions; amending s. 95.11, F.S.; extending the period for bringing a malpractice claim against attorneys when fraud, concealment, or intentional misrepresentation prevents filing within the 2-year limitation period; specifying action which triggers statute of limitations in medical malpractice cases and providing for extension for certain purposes; reenacting ss. 95.051(1)(h), 768.28(12), F.S., relating to when limitations are tolled and sovereign immunity waiver in medical malpractice actions, to incorporate said amendment in references thereto; amending s. 766.106, F.S.; providing for the period in which to file suit in medical malpractice actions after receipt of notice of termination of negotiations; providing an effective date and providing retroactive applicability.

By the Committee on Appropriations and Senator Grizzle—

CS for SB 842—A bill to be entitled An act relating to mining, drilling, or extracting minerals from public lands; amending s. 253.571, F.S.; providing for proof of financial responsibility; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senators McKay and Crotty—

CS for SB 888—A bill to be entitled An act relating to travel by state officers and employees; providing that travel rewards awarded to state officers and employees as a result of travel at state expense are the property of the state; providing for the use of such travel rewards; amending s. 112.061, F.S.; specifying duties of the Department of Banking and Finance; providing an effective date.

By the Committees on Governmental Operations; Executive Business, Ethics and Elections; and Senator Meek—

CS for CS for SB 940—A bill to be entitled An act relating to the membership of statutorily created regulatory or decisionmaking boards, authorities, commissions, councils, and committees of the state; declaring state policy with respect to the gender balance of the membership of such bodies; prohibiting the appointment or reappointment of a person to such a body if the appointment or reappointment would cause the number of appointive members of that body who are of one gender to exceed a certain number; providing exceptions; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 948—A bill to be entitled An act relating to environmental resources; amending s. 259.101, F.S.; extending the repeal date for provisions relating to the distribution of certain Preservation 2000 bond proceeds; amending the criteria for determining project eligibility under the Florida Preservation 2000 Act; amending s. 201.24, F.S.; exempting certain real estate transactions involving a nonprofit organization from the excise tax on documents; requiring certain notice; amending s. 253.01, F.S.; providing requirements for state-owned lands in the Everglades Agricultural Area; amending s. 253.023, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to allocate Conservation and Recreation Lands Trust Fund moneys for certain public purposes; specifying the use of lands acquired pursuant to s. 253.023, F.S.; requiring funds and personnel needed to manage lands purchased to be identified in the legislative budget request and providing for the transfer of funds from the Conservation and Recreation Lands Trust Fund for managing lands; amending s. 253.025, F.S.; removing appraisal requirements for purchases if the purchase price does not exceed \$100,000; requiring two appraisals for each parcel of land to be acquired when the value of the land exceeds \$500,000; authorizing the Division of State Lands to disclose appraisal information to public agencies or nonprofit organizations under certain conditions; amending requirements for the contents of the appraisal report; amending requirements relating to legal staff's reviewing offers; authorizing the Board of Trustees of the Internal Improvement Trust Fund to accept certain gifts and donations without formal evidence of marketability, or when the title is nonmarketable, in specified circumstances; amending s. 253.111, F.S.; removing requirements for notice to a board of county commissioners of conveyance of any lands within the Everglades Agricultural Area; amending s. 259.035, F.S.; requiring the Department of Natural Resources to provide staff support to the Land Acquisition Advisory Council; requiring the Department of Natural Resources to adopt rules regarding the Land Acquisition Advisory Council; requiring the council to rank acquisition projects in order of priority; requiring certain information to be provided for each acquisition project; requiring the council to develop and adopt proposals for certain acquisition projects; amending s. 259.04, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to develop a comprehensive statewide plan to conserve and protect certain lands; amending s. 259.07, F.S.; requiring the Land Acquisition Advisory Council to hold certain public meetings; amending s. 260.015, F.S.; providing requirements for acquisition of land; amending s. 375.031, F.S.; deleting the requirement that the seller disclose the annual tax assessment in certain land transactions; deleting the requirement that certain acquisition projects be subject to the selection procedures of s. 259.035, F.S.; amending s. 380.0666, F.S.; authorizing the land authority created by a county under s. 380.0663, F.S., to acquire and dispose of certain real and personal property under certain circumstances; amending s. 380.08, F.S.; deleting the requirement that the seller disclose the annual tax assessment in certain land transactions; amending s. 380.504, F.S.; requiring the Governor to appoint a former elected official of a local government to the Florida Communities Trust; providing an effective date.

By the Committees on Community Affairs; and Natural Resources and Conservation—

CS for CS for SB 962—A bill to be entitled An act relating to solid waste; amending s. 125.01, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 166.021, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 212.055, F.S.; expanding the uses of the local option sales tax to include certain solid waste landfill closures; amending s. 212.08, F.S.; providing for a sales tax exemption prior to purchase for certain recycling equipment and machinery; deleting the expiration date for the exemption; providing exemption for boiler retrofitting services; exempting pelletized waste paper used as a boiler fuel; amending s. 287.045, F.S.; deleting obsolete language; requiring the purchase of materials with recycled content under certain conditions; requiring the

Division of Purchasing to consider life-cycle costing when evaluating certain bids; requiring the Division of Purchasing to adopt certain rules; providing a price preference for materials or products that contain recycled Florida scrap; amending the definition of the term "recycled content"; requiring state agencies and others to procure products with recycled content; amending ss. 316.003, 377.709, F.S.; conforming cross-references; amending s. 381.006, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 381.0098, F.S.; redesignating biohazardous waste as biomedical waste; providing that biomedical waste does not include disposal of human remains; amending s. 395.002, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 395.0101, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.1834, F.S.; allowing landfill closures to be financed by certain bonds; amending s. 403.4131, F.S.; abolishing the Clean Florida Commission; amending s. 403.4135, F.S.; requiring litter bags in motor vehicles and vessels; amending s. 403.702, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.703, F.S.; amending definitions; prohibiting local governments from adopting definitions that are inconsistent with those in this section; amending s. 403.704, F.S.; redesignating biohazardous waste as biomedical waste; allowing certain funds to be used for composting programs; allowing the Department of Environmental Regulation to impose certain conditions on the disposal of waste generated outside this state; amending s. 403.7045, F.S.; redesignating biohazardous waste as biomedical waste; creating s. 403.7046, F.S.; providing for regulation of certain recovered materials; providing for registration; providing for fees; providing for rulemaking; providing for confidentiality for certain information received by the Department of Environmental Regulation; providing for review under the Open Government Sunset Review Act; amending s. 403.7049, F.S.; requiring the disclosure of the funds rebated to the recycling program as a result of fees recovered pursuant to the Advance Disposal Fee Program; amending s. 403.705, F.S.; correcting a cross-reference; changing the date by which certain reports must be prepared by the Department of Environmental Regulation; deleting certain obsolete provisions; amending s. 403.706, F.S.; requiring steel cans to be separated from the waste stream; allowing certain counties to provide an opportunity to recycle; requiring counties to implement a program for the separation and composting of organic materials; specifying that the solid waste goal is a reduction goal; requiring counties to provide a description of the progress made toward implementing a composting program; authorizing certain local governments to enact certain ordinances; requiring each county to ensure that its solid waste management program is a separate enterprise; providing for certain fees; amending s. 403.7065, F.S.; specifying when state agencies must use products with recycled content; amending the definition of the term "recycled content" to include steel and plastics; amending s. 403.707, F.S.; redesignating clean debris as construction and demolition debris in certain circumstances and redesignating biohazardous waste as biomedical waste; prohibiting open fires, air curtain incinerators, and trench burning, unless permitted by the department; requiring an application for a solid waste management facility permit to contain certain affirmations that the proposed facility is in compliance with local zoning requirements and the local comprehensive plan; amending s. 403.708, F.S.; redesignating biohazardous waste as biomedical waste; describing the triangle that must appear on certain plastics labels; substituting the term "PETE" for "PET"; prohibiting the regulation of packaging under certain circumstances; amending s. 403.7084, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.709, F.S.; providing for certain research and demonstration projects to be funded from the Solid Waste Management Trust Fund; specifying the uses for moneys allocated to the Solid Waste Management Trust Fund from lead-acid battery fees; amending s. 403.7095, F.S.; requiring the Department of Environmental Regulation to consider the progress made by the local government in meeting solid-waste requirements when determining whether to continue, eliminate, or place conditions on certain grants to the local government; requiring that certain information be contained in a grant application regarding the use of the private sector in recycling; deleting certain obsolete provisions; amending s. 403.7125, F.S.; allowing certain revenues to be deposited into the local government general fund under certain conditions; preserving certain obligations of a landfill owner or operator; creating s. 403.7126, F.S.; establishing the Landfill Closure Revolving Loan Trust Fund; providing terms and conditions for loans from such fund; amending s. 403.713, F.S.; providing for ownership and control of certain recovered materials; amending s. 403.714, F.S.; deleting obsolete provisions; allowing the Legislature, state agencies, and the judicial branch to use proceeds from sale of recyclable materials in certain ways; requiring state agencies to use compost products; requiring agencies and others to report certain information regarding compost products; requiring the Depart-

ment of Agriculture and Consumer Services to develop certain specifications; amending s. 403.717, F.S.; correcting a cross-reference; creating s. 403.7184, F.S.; providing certain requirements for consumers, manufacturers, and sellers of certain batteries; providing penalties; providing for the state to recover reasonable administrative expenses, court costs, and attorneys' fees incurred in an action to enforce this section; amending s. 403.7185, F.S.; providing that proceeds from the lead-acid battery fees be deposited into the battery account within the Solid Waste Management Trust Fund instead of the Water Quality Assurance Trust Fund; amending s. 403.7195, F.S.; increasing the waste disposal fee on newsprint under certain conditions; providing minimum recycled fiber content for newsprint; amending s. 403.7197, F.S.; providing the intent and purpose of the advance disposal fee; providing definitions; requiring the Department of Environmental Regulation to conduct certain studies and designate certain materials subject to such fee; requiring recyclable packaging materials; revising the recycling rate that triggers the fee; specifying the containers subject to the fee; creating the Container Recycling Advisory Council; providing that fee collections and charges be made at certain retail establishments; providing for certain refunds from the Department of Revenue; authorizing the Department of Environmental Regulation to establish certain exemption criteria and redemption rates; providing for private buyback businesses; providing for rebates to certain households; providing for consolidated returns; specifying that the advance disposal fee applies to vending machine sales; requiring a bond for certain redemption centers; requiring certain identification from persons redeeming materials for the advance disposal fee; providing confidentiality for certain taxpayer records; specifying uses for moneys in the Solid Waste Management Trust Fund; amending s. 403.727, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 483.615, F.S.; redesignating biohazardous waste as biomedical waste; providing for use of the term "biohazardous waste" under certain circumstances; requiring hospitals to conduct a study and report to the Department of Environmental Regulation; providing for the recycling of mercury-containing devices; providing for a demonstration project; requiring a report to the Legislature; providing an appropriation; prohibiting the use of certain toxic materials in packaging; prohibiting the use of certain packaging material; prohibiting certain environmental representations on consumer products; requiring recycling receptacles in certain locations; amending s. 576.011, F.S.; providing that certain compost is an exception to the definition of the term "commercial fertilizer"; amending s. 72.011, F.S.; providing that a taxpayer may contest the assessment of the fee and penalties and interest assessed pursuant to s. 403.7197, F.S., the advance disposal fee; amending s. 213.05, F.S.; authorizing the Department of Revenue to collect the advance disposal fee; amending s. 213.053, F.S.; providing for confidentiality of certain information obtained by the Department of Revenue pursuant to the advance disposal fee collection; creating s. 288.18, F.S.; creating the Recycled Materials Markets Development Board in the Department of Commerce; providing membership; providing powers, duties, and functions; providing for an annual report; providing for repeal; creating s. 288.1181, F.S.; creating the Recycling Markets Trust Fund; specifying uses of fund moneys; creating s. 288.1182, F.S.; authorizing the Recycling Materials Markets Development Board to enter into certain contracts to finance certain programs; providing for certain legislative review; providing appropriations; repealing s. 403.7145, F.S., relating to the Capitol Recycling Demonstration Area; repealing s. 403.7198, F.S., relating to container deposits; providing an effective date.

By the Committees on Finance, Taxation and Claims; Agriculture; and Senators Thurman, Crotty, Thomas, Gardner, Dantzler, Davis, Walker, Childers, Kirkpatrick, Yancey, Jennings, Kurth, Beard, Langley, Girardeau, Crenshaw, Forman and Dudley—

CS for CS for SB 966—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.21, F.S.; increasing the membership of the Agricultural and Livestock Fair Council; prescribing duties of the council; creating s. 616.221, F.S.; establishing the Florida Fairs, Festivals, and Livestock Shows Trust Account; providing for collection and disbursement of funds in the account; prescribing uses of moneys in the trust account; authorizing the Department of Agriculture and Consumer Services to adopt rules; repealing s. 616.22, F.S., which provides matching funds for construction or repair of exhibit buildings; providing an effective date.

By the Committee on Judiciary and Senator Meek—

CS for SB 1068—A bill to be entitled An act relating to sexual harassment; amending s. 760.02, F.S.; defining "sexual harassment"; creating s. 760.07, F.S.; stating policy; providing an effective date.

By the Committees on Judiciary; Health and Rehabilitative Services; and Senators Malchon and Grant—

CS for CS for SB 1096 and SB 2414—A bill to be entitled An act relating to health care; creating s. 765.101, F.S.; providing a short title; creating s. 765.102, F.S.; providing legislative findings and intent; creating s. 765.103, F.S.; providing definitions; creating s. 765.104, F.S.; providing a procedure for making advance directives; providing for designation of a surrogate and alternate surrogate; providing that a declaration may be a separate document; requiring notification of a patient's physician that an advance directive exists; creating s. 765.105, F.S.; providing suggested forms of a health care surrogate directive and a declaration; providing that a declaration prepared as a separate document from a health care surrogate directive may include additional directions; providing for severability; creating s. 765.106, F.S.; providing for revocation of an advance directive; providing for automatic revocation of appointment of a spouse as a surrogate if the marriage is dissolved; exempting from civil and criminal liability a person who has no actual knowledge of revocation; requiring a revocation to be included in the medical record; transferring, renumbering, and amending s. 745.43, F.S.; providing for a presumption of capacity; transferring, renumbering, and amending s. 745.44, F.S.; deleting a restriction on physicians evaluating a patient's capacity; requiring physicians to document their determinations about a patient's capacity in the patient's medical and clinical records; providing for periodic evaluation of an incapacitated patient; transferring, renumbering, and amending s. 745.45, F.S.; providing the responsibilities of a surrogate; providing that a surrogate's consent is not required when the patient, during capacity, consented to a do-not-resuscitate order; providing that the authority of a surrogate takes precedence over a durable power of attorney granted by a court-appointed guardian of the person under certain conditions; transferring, renumbering, and amending s. 745.46, F.S.; providing restrictions on surrogate consent authority; allowing consent related to restrictions if expressly authorized in the health care surrogate directive; transferring, renumbering, and amending s. 745.50, F.S.; providing for responsibilities of health care providers; requiring health care providers who refuse to comply with a patient's declaration or a surrogate's treatment decision to make reasonable efforts to transfer the patient to another health care provider; requiring health care providers to inform patients of their policies relating to advance directives; requiring expedited judicial intervention; requiring compliance with the patient's wishes if efforts to transfer are unsuccessful; providing for payment of the expenses of expedited judicial intervention and transfer; providing that an advance directive of a pregnant terminally ill patient may not be honored after viability; creating s. 765.201, F.S.; providing a procedure in the absence of an advance directive or declaration or appointment of a surrogate; providing that the absence of an advance directive creates no presumption regarding a patient's consent or refusal to consent to certain health care decisions; providing for a proxy to make certain health care decisions and specifying conditions; providing for certain persons to replace a surrogate or to function as a proxy if a surrogate was not appointed in an advance directive; excluding certain persons from serving as a proxy; creating s. 765.202, F.S.; providing procedure for appointing a proxy; creating s. 765.203, F.S.; providing restrictions on proxies; creating s. 765.204, F.S.; providing definitions; providing for refusal of cardiopulmonary resuscitation through a do-not-resuscitate order; providing for honoring do-not-resuscitate orders; providing a presumption of consent to cardiopulmonary resuscitation for a person who is admitted to a hospital; requiring periodic review of the condition of a patient for whom consent to a do-not-resuscitate order has been given; providing a procedure for a physician to rescind a do-not-resuscitate order; transferring, renumbering, and amending s. 745.47, F.S.; providing for judicial review of a surrogate's decisions; providing for review of a surrogate's refusal to revoke a do-not-resuscitate order when such revocation appears to be in the patient's best interest; providing for a court order that a surrogate's health care decision be honored; transferring, renumbering, and amending s. 745.51, F.S.; providing immunity from liability in connection with the decisions of surrogates; creating s. 765.301, F.S.; providing immunity from liability for carrying out specified health care decisions; providing a presumption that a declaration was made voluntarily; creating s. 765.302, F.S.; prohibiting mercy killing and euthanasia; distinguishing withholding and withdrawing of life-prolonging procedures from suicide; creating s. 765.303, F.S.; providing that making a health care surrogate directive or declaration may not affect life insurance policies held or purchased; creating s. 765.304, F.S.; prohibiting falsification, forgery, or willful concealment, cancellation, or destruction of a health care surrogate directive or declaration or of a revocation of such document; providing penalties; creating s. 765.305, F.S.; providing for recognition of advance

directives legally created before a specified date; creating s. 765.306, F.S.; providing that the rights created in this chapter are cumulative to other existing rights; creating s. 765.307, F.S.; recognizing an advance directive or declaration that was validly created in another state; transferring, renumbering, and amending s. 745.52, F.S.; providing for rulemaking; creating s. 744.3115, F.S.; relating to appointment of a guardian; providing for court determination of guardian's relationship to surrogate; amending s. 744.345, F.S.; relating to letters of guardianship; providing for limited guardian's authority to prepare advance directives for ward; repealing ss. 745.41, 745.42, 745.48, 745.49, Florida Statutes, relating to health care surrogates; repealing ss. 765.01-765.15, F.S., the "Life-Prolonging Procedure Act of Florida"; repealing s. 765.17, F.S., relating to the recognition of a declaration executed in another state; providing for severability; providing an effective date.

By the Committees on Community Affairs and Criminal Justice and Senator Yancey—

CS for CS for SB 1134—A bill to be entitled An act relating to the Florida Mutual Aid Act; amending s. 23.12, F.S.; clarifying the short title; amending s. 23.121, F.S.; specifying that the purpose of the act is to prepare law enforcement agencies to deal with natural or manmade disasters or emergencies; authorizing a law enforcement agency to enter a mutual aid agreement; amending s. 23.1225, F.S.; specifying terms and conditions to be included in a mutual aid agreement; deleting obsolete provisions; requiring filing of a copy of the agreement with the Department of Law Enforcement within a specified time period; authorizing certain persons to enter such an agreement; amending s. 23.127, F.S.; granting to an employee of a law enforcement agency the same powers, duties, rights, privileges, and immunities when performing extrajurisdictionally; clarifying financial responsibility for equipment and employees; granting to employees of an agency their usual rights, privileges, and immunities when performing extrajurisdictionally; providing for real parties in interest, recoupment of damages, and liability actions; amending s. 23.1231, F.S.; deleting a reference to administration of the Florida Mutual Aid Plan by the Division of Local Law Enforcement Assistance; deleting the authority of the executive director of the Department of Law Enforcement to maintain certain lists and otherwise revising the powers and duties of the executive director; deleting the reference to the deadline for filing a mutual aid agreement; clarifying the duties of the department; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Malchon—

CS for SB 1136—A bill to be entitled An act relating to the Department of Professional Regulation; creating s. 455.214, F.S.; authorizing the issuance of limited licenses, under certain circumstances, to persons in professions regulated by the department; requiring an application fee; providing for waiver of the application fee and all license fees; restricting practice under a limited license to public or nonprofit agencies and institutions that provide services to the indigent, underserved, or critically needy; providing for determination of indigency and definition of underserved and critically needy persons; providing for supervision and implementation by rule; providing an effective date.

By the Committee on Appropriations and Senator Burt—

CS for SB 1146—A bill to be entitled An act relating to costs of inmates and supervisees; amending s. 944.485, F.S.; requiring prisoners to disclose income and assets as a condition of parole or release eligibility; providing that an order directing payment of prisoner daily subsistence costs survives against the estate and is not relieved in bankruptcy; deleting obsolete language; amending s. 948.09, F.S.; revising the maximum amount that persons in various community supervision programs may be required to contribute for the cost of such supervision; providing for costs of supervising persons on misdemeanor probation; requiring the Department of Corrections to establish a payment plan and priority order for payment of certain court-ordered costs; providing an effective date.

By the Committee on Community Affairs and Senator Kiser—

CS for SB 1232—A bill to be entitled An act relating to mobile homes; amending s. 713.10, F.S.; revising a provision of law governing mechanics' liens to prohibit the interest of the lessor being subject to liens for improvements made by the lessee when the lessee is a mobile home park owner under certain circumstances; amending s. 713.78, F.S.; providing for a towing lien for a mobile home evicted from a mobile home park; conforming to the act with respect to vehicles sold by a lienor; providing for the collection of unpaid rent from the proceeds of the sale of

the mobile home; amending s. 723.002, F.S.; providing for the applicability of the Florida Mobile Home Act to a park trailer located on a lot in a mobile home park; amending s. 723.037, F.S.; revising language with respect to notice concerning lot rental increases; amending s. 723.038, F.S.; revising language with respect to dispute settlement; amending s. 723.061, F.S.; revising language with respect to notice for eviction; amending s. 723.077, F.S.; revising language with respect to articles of incorporation; amending s. 723.078, F.S.; revising language with respect to the bylaws of homeowners' associations; providing for conversion; amending s. 723.079, F.S.; providing additional powers and duties of homeowners' associations; providing for storage charges on mobile homes under certain circumstances; providing for the rights of lienholders on mobile homes in rental mobile home parks; providing for reasonable attorney's fees and costs; repealing s. 723.010, F.S., relating to disclosure of lot rental amount increases; repealing s. 723.013(4), F.S., and amending s. 723.014, F.S., to conform; providing for retroactive application; providing an effective date.

By the Committee on Judiciary and Senator Wexler—

CS for SB 1252—A bill to be entitled An act relating to civil actions and proceedings; amending s. 61.13, F.S.; requiring courts to consider additional factors in determining shared parental responsibilities; amending s. 61.16, F.S.; providing that applications for attorney's fees, suit money, or costs in dissolution-of-marriage proceedings do not require corroborating expert testimony; amending s. 61.30, F.S.; providing additional child support guidelines; amending s. 742.045, F.S.; providing that applications for attorney's fees, suit money, or costs in paternity proceedings do not require corroborating expert testimony; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Forman—

CS for SB 1316—A bill to be entitled An act relating to corporate income tax; creating s. 220.191, F.S.; providing a credit against the tax for certain businesses that establish a workforce education pilot program; providing requirements and limitations; providing for expiration; providing for rules; amending s. 220.02, F.S.; providing for the order of application of the workforce education pilot program tax credit; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Grant and Gardner—

CS for SB 1324—A bill to be entitled An act relating to hazardous wastes; amending s. 403.707, F.S.; requiring applicants for permits to obtain a general liability bond, or a performance bond, of a specified minimum amount and to file with the Department of Environmental Regulation proof that the bond has been secured; requiring a permittee to whom a hazardous waste facility or biohazardous waste facility is sold or transferred to secure such a bond and to file proof that the bond has been secured; prohibiting the construction of any biohazardous waste incinerator; providing exceptions; providing for expiration of the prohibition; requiring the Department of Environmental Regulation to make recommendations to the Legislature regarding the regulation of biohazardous waste incinerators; requiring a report; providing an effective date.

By the Committees on Finance, Taxation and Claims; Agriculture; and Senator Souto—

CS for CS for SB 1520—A bill to be entitled An act relating to agricultural fertilizers; amending s. 576.011, F.S.; revising definitions; amending s. 576.021, F.S.; requiring annual licensing of fertilizer distributors and annual registration of specialty fertilizer distributors by the Department of Agriculture and Consumer Services; providing fees; providing application contents; amending s. 576.031, F.S.; providing labeling requirements for fertilizer and specialty fertilizer; amending s. 576.041, F.S.; revising provisions relating to inspection fees, records, and required bond; increasing inspection fees; providing for use of such fees; providing a penalty for nonpayment of tonnage fee; increasing inspection fee penalty; revising bonding requirements; amending s. 576.051, F.S., relating to inspection, sampling, and analysis; authorizing inspection warrants for regulatory inspection by the department, providing for the use of fertilizer analysis reports rather than certificates of analysis; amending s. 576.055, F.S., relating to deconing, to conform; amending s. 576.061, F.S.; relating to plant nutrient tolerances and deficiencies; increasing penalties; conforming terminology; providing for use of proceeds from payment of penalties; amending s. 576.085, F.S.; providing that the department shall establish plant nutrient content by rule; creating s. 576.087, F.S.;

requiring the use of antisiphon devices for specified irrigation systems; amending s. 576.091, F.S.; changing the composition of the Fertilizer Technical Council; deleting provisions relative to official action by the council and per diem; amending s. 576.101, F.S.; providing for cancellation, revocation, and suspension of license; providing for probationary status; amending s. 576.111, F.S., relating to stop-sale, stop-use, removal, and hold orders, to conform; amending s. 576.122, F.S., relating to seizure, condemnation, and sale; amending s. 576.132, F.S., relating to recovery of damages; amending s. 576.141, F.S., relating to sales or exchanges between manufacturers or licensees; amending s. 576.151, F.S.; authorizing the use of specified fertilizer materials under certain conditions; amending ss. 576.181, 576.191, F.S., relating to administration, rules, procedure, and enforcement of ch. 576, F.S.; providing for review and repeal of ch. 576, F.S.; amending s. 575.01, F.S.; clarifying definitions relating to certification of seed; amending s. 575.07, F.S.; providing for penalties and administrative fines; amending s. 578.011, F.S.; revising definitions under the Florida Seed Law; amending s. 578.08, F.S.; revising seed registration requirements; revising registration fee schedule; amending s. 578.11, F.S.; authorizing the department to analyze seed samples as requested by a consumer; providing for fees; reenacting s. 578.14, F.S., relating to packet vegetable and flower seed, to incorporate the amendment to s. 578.08, F.S., in a reference thereto; amending s. 578.26, F.S.; increasing the fee for filing a complaint; providing for recovery of costs; amending s. 578.28, F.S., relating to seed in hermetically sealed containers; providing that the moisture of specified packaged agricultural or vegetable seed shall be established by rule of the department; amending s. 580.031, F.S.; clarifying definitions relating to commercial feed and feedstuffs; amending s. 580.061, F.S., relating to inspection fees, payment, enforcement, reporting, and bond; providing a penalty; amending s. 580.091, F.S., relating to commercial feed inspection, sampling, and analysis; providing for payment of analysis fees; amending s. 580.151, F.S.; providing for an additional member of the Commercial Feed Technical Council; repealing s. 575.08, F.S., relating to the enforcement of ch. 575, F.S., the "Florida Certification Seed Law"; repealing ch. 580, F.S., relating to commercial feed and feedstuffs; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Plummer—

CS for SB 1540—A bill to be entitled An act relating to independent candidates for office; amending s. 99.0955, F.S.; revising petition requirements; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Weinstein and Forman—

CS for SB 1592—A bill to be entitled An act relating to medical care; creating s. 402.49, F.S.; creating the Statewide Health Maintenance Organization Patient Ombudsman Committee; providing for membership, powers, duties, staffing, and funding of the committee; requiring reports; providing for confidentiality of information; providing a penalty for disclosing confidential information; creating s. 402.491, F.S.; creating district health maintenance organization patient ombudsman committees; providing for membership, powers, duties, staffing, and funding of the committees; providing for confidentiality of information; providing a penalty for disclosing confidential information; providing immunity for health maintenance organization enrollees who submit quality of care complaints and for members of the Statewide Health Maintenance Organization Patient Ombudsman Committee or district health maintenance organization patient ombudsman committees who investigate such complaints; creating s. 402.492, F.S.; providing duties for the Department of Health and Rehabilitative Services relating to the statewide and district committees; amending s. 641.58, F.S.; providing for use of funds from the Health Maintenance Organization Quality Care Trust Fund for expenses of the Statewide Health Maintenance Organization Patients Ombudsman Committee and the district health maintenance organization patients ombudsman committees; providing an appropriation; providing an effective date.

By the Committee on Appropriations and Senator Gardner—

CS for SB 1598—A bill to be entitled An act relating to legal services; amending s. 287.059, F.S.; requiring prior approval by the Attorney General before private legal services may be used in child dependency cases or termination of parental rights cases; providing an effective date.

By the Committee on Transportation and Senator Crenshaw—

CS for SB 1624—A bill to be entitled An act relating to drivers' licenses; creating s. 320.0899, F.S.; requiring certain drivers who have

been lawfully arrested and convicted of driving a motor vehicle with a license which has been suspended, canceled, or revoked to relinquish all license plates of vehicles registered to that person at the next renewal of the license plate; providing for the issuance of license plates bearing a special series of identifying numbers or letters to such persons; providing fees; amending s. 324.201, F.S.; authorizing recovery agents or recovery agencies licensed under ch. 493, F.S., to seize license plates; providing for special license plate designations for certain persons whose license has been suspended for failure to maintain financial responsibility; providing for a refund; providing for notification timeframes of law enforcement agencies; providing for delivery of seized license plates; requiring continued use of special series license plate under specified conditions; amending s. 627.732, F.S.; defining the term "recovery agent"; amending s. 627.733, F.S.; providing for the distribution of fees collected with respect to a seized license plate; providing for disposition of certain funds in the Accident Report Trust Fund; providing for recovery agents or recovery agencies to seize license plates; providing for procedures for payment of recovery fees; providing an effective date.

By the Committee on Judiciary and Senator Yancey—

CS for SB 1632—A bill to be entitled An act relating to mortgage foreclosure; amending s. 45.031, F.S.; changing the time for sale of property by the clerk of the court; creating s. 45.0315, F.S.; providing for right of redemption; providing for limitations upon such rights; amending s. 48.021, F.S.; providing for process to be served by a party or party's attorney; amending s. 48.193, F.S.; expanding the jurisdiction of courts of the state to persons holding a mortgage or lien on certain property; amending s. 48.194, F.S.; providing for alternative service of process in foreclosure proceedings; amending s. 48.23, F.S.; providing for exceptions to the application of lis pendens; amending s. 49.021, F.S.; providing for a cross-reference; amending s. 49.09, F.S.; providing for time periods for defenses to be filed in foreclosure proceedings; amending s. 49.10, F.S.; providing for publication of notice in foreclosure proceedings; amending s. 55.01, F.S.; providing for the social security number to be included on judgments; amending s. 55.10, F.S.; providing for the address of the person holding a lien to be recorded; amending s. 55.505, F.S.; requiring specified information to be recorded with the clerk of the circuit court by a judgment creditor who is recording a foreign judgment; amending s. 697.07, F.S.; providing for rents to be assigned to a mortgagee; providing a process for rents to be deposited; providing for distribution of said rents; amending s. 702.09, F.S.; providing definitions; creating s. 702.10, F.S.; providing for an order to show cause in foreclosure proceedings; providing for entry of final judgment in foreclosure proceedings; creating s. 702.11, F.S.; providing for defenses in foreclosure proceedings; amending s. 718.116, F.S.; providing for liability for unpaid condominium assessments in a foreclosure proceeding; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Thurman—

CS for SB 1636—A bill to be entitled An act relating to business and environmental coordination; creating s. 403.0612, F.S.; creating the Partners for a Better Florida Advisory Council; providing findings; providing for the appointment of members and for nonvoting members; providing powers and duties; requiring recommendations; providing an appropriation; providing for future repeal; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Grizzle—

CS for SB 1680—A bill to be entitled An act relating to mining; amending ss. 211.06, 211.31, 211.3103, 211.3106, F.S.; increasing the rate of the solid mineral severance tax; revising certain tax revenue distribution formulae to provide for deposits into the Minerals Trust Fund; creating the Minerals Trust Fund; specifying uses of moneys deposited into such fund; providing for transfer from such fund into the General Revenue Fund of certain excess deposits; amending s. 378.034, F.S.; requiring the Department of Natural Resources to adopt rules requiring owners of nonmandatory land to notify the department by a certain date of intent to seek approval to participate in certain land reclamation; limiting eligibility of certain property to participate in nonmandatory land reclamation; providing for a performance audit of the Bureau of Geology and the Bureau of Mine Reclamation; providing for the content of the audit; creating part V of ch. 378, F.S., the Interstate Mining Compact Act; providing the findings and purposes of the compact; providing definitions; providing that the state have programs adequate to the purposes of the compact; creating the Interstate Mining Commission; enumerating the powers which the commission may exercise; specifying the internal man-

agement of the affairs of the commission; specifying the voting procedures; giving the commission authority to assemble and use advisory, technical, and regional committees; setting out the formula for the apportionment of appropriation requests; specifying audit and accounting safeguards; specifying conditions for bringing the compact into effect and for withdrawal from the compact; specifying limits of the compact with respect to other state laws; providing for appointment to the commission; creating the Mining Advisory Council and specifying membership and terms thereof; providing for the compact to file copies of its bylaws and amendments thereto with the state; providing Legislative intent that no funds from the Nonmandatory Land Reclamation Trust Fund may be used for expenses associated with the compact; providing an effective date.

By the Committee on Governmental Operations and Senator Walker—

CS for SB 1696—A bill to be entitled An act relating to rulemaking; amending s. 215.62, F.S.; providing specific rulemaking authority for the Division of Bond Finance; creating s. 215.625, F.S.; providing for standards of conduct with respect to bond finance activities and restricting certain bond finance activities of service providers and underwriters and their agents and employees; amending s. 420.507, F.S.; providing specific rulemaking authority for the Florida Housing Finance Agency; providing for standards of conduct with respect to bond finance activities and restricting certain activities of service providers and underwriters and their agents and employees; amending s. 287.042, F.S.; providing specific rulemaking authority for the Division of Purchasing of the Department of General Services; providing for standards of conduct with respect to the acquisition of commodities and contractual services and restricting certain activities of providers of commodities or contractual services and their agents and employees; providing an effective date.

By the Committee on Education and Senator Jenne—

CS for SB 1710—A bill to be entitled An act relating to Florida Atlantic University; creating s. 240.5285, F.S.; establishing peer campuses in Broward County and Palm Beach County; providing for a separate budget for the Broward campus; providing duties of the Board of Regents; requiring that board and the Postsecondary Education Planning Commission to continue to evaluate the need for undergraduate programs in Broward County; providing requirements for the board's comprehensive plan; requiring legislative review and recommendations; amending s. 240.2011, F.S.; conforming that section to s. 240.5285, F.S.; amending s. 240.528, F.S., relating to the Broward County branch of Florida Atlantic University; deleting provisions that establish the Southeast Campus of the university and require the continuing evaluation for the need for certain program offerings; providing an effective date.

By the Committee on Criminal Justice and Senator Jenne—

CS for SB 1726—A bill to be entitled An act relating to law enforcement; creating the "Law Enforcement Consolidation Act of 1992"; transferring the Florida Highway Patrol, Capitol Police, Crime Prevention Training Institute, the felony investigative functions of the Florida Marine Patrol, and the Bureau of Aircraft of the Division of Motor Pool of the Department of General Services to the Department of Law Enforcement; preserving existing rules, regulations, and certifications of the Florida Highway Patrol; providing for the substitution of a transferee agency as a party in interest for legal proceedings; amending s. 14.022, F.S.; extending the Governor's power of command to all agents and officers of the Department of Law Enforcement in certain situations involving violence; transferring, renumbering, and amending s. 16.54, F.S.; creating the Florida Crime Prevention Training Institute in the Department of Law Enforcement; establishing an institute trust fund; providing for moneys to be deposited into the trust fund; transferring trust fund moneys from the Department of Legal Affairs to the Department of Law Enforcement; repealing s. 16.55, F.S., relating to obsolete requirements pertaining to crime prevention training; amending s. 20.201, F.S.; adding the Division of Florida Highway Patrol as a division of the Department of Law Enforcement; limiting the duration of the term of the executive director of the Department of Law Enforcement; amending s. 20.22, F.S.; conforming the organization of the Department of General Services to the reorganization made by this act; amending s. 20.24, F.S.; deleting the Florida Highway Patrol as a division of the Department of Highway Safety and Motor Vehicles; amending ss. 23.1231, 120.57, 316.003, 316.065, 316.1905, 316.1906, 316.211, 316.216, 316.2225, 316.2295, 316.2399, 316.241, 316.242, 316.253, 316.272, 316.293, 316.2952, 316.300, 316.303, 316.304, 316.3045, 316.545, 316.611, 316.615, 316.640, 321.04, 321.051, 338.239, F.S.; conforming those sections to the transfer of the

Florida Highway Patrol and related functions; providing that the Department of Law Enforcement, not the Department of Highway Safety and Motor Vehicles, prescribes testing standards and frequency for devices that calculate vehicle speed, prescribes design criteria for radar units, prescribes standards for motorcycle riders' protective equipment, approves lighting devices, adopts rules relating to emblems and other equipment that must be displayed on slow-moving vehicles, approves standards for emblems that must be displayed on certain farm equipment, approves certain flashing devices for buses and taxicabs, approves certain lamps or devices used on certain vehicles and their method of attachment, may revoke the certificate of approval on certain lighting devices, approves the wording of signs on ice-cream vendors' vehicles, helps establish allowable levels of noise allowed by exhaust systems, approves windscreens for certain electric-powered vehicles, approves flares and similar devices, may approve the use of television-type receiving equipment visible to a motor vehicle driver if it is used in safety or law enforcement, adopts rules relating to wearing headsets while driving, adopts rules relating to allowable noise levels in motor vehicles that are on a street, helps enforce rules relating to tandem trailer equipment and use, must be reimbursed by the Department of Transportation for certain expenses incurred in carrying out the highway patrol's powers and duties under ss. 338.22-338.44, F.S., is, for certain hearings relating to wrecker operators, exempt from the requirements that a hearing officer assigned by the Division of Administrative Hearings conduct all hearings under s. 120.57(1), F.S., and annually inspects school buses; transferring, renumbering, and amending s. 281.02, F.S.; providing for safety and security services for certain public buildings and grounds, including the Governor's office and the Governor's mansion and mansion grounds; expanding the duties of the Capitol Police; providing arrest authority; requiring certain reports to be retained; providing for ex officio members of the Capitol Police; allowing contracts with local governments or private security agencies; providing for rulemaking and for regulating parking and traffic; providing for an official uniform and prohibiting unauthorized persons from wearing the official uniform or emblem; repealing ss. 281.03, 281.04, 281.05, 281.06, 281.07, 281.08, 281.09, F.S., relating to the Capitol Police; transferring, renumbering, and amending s. 281.20, F.S.; providing for the assignment of uniformed officers, as well as agents, for transportation and protection for the Governor, his family, and his office, mansion, and grounds; transferring, renumbering, and amending s. 281.301, F.S.; providing for the confidentiality of certain information relating to security systems for state-owned property or state-leased property; amending s. 282.1095, F.S.; transferring the administration of the State Agency Law Enforcement Radio System Trust Fund from the Department of General Services to the Department of Law Enforcement for a specified period of time; amending membership of the Joint Task Force on State Agency Law Enforcement Communications; deleting obsolete language about initial appointments; transferring, renumbering, and amending s. 287.161, F.S.; creating the executive aircraft pool in the Department of Law Enforcement; placing restrictions on the aircraft in the pool; providing for the collection, deposit, and expenditure of charges for transportation; amending ss. 287.16, 287.17, 287.18, 287.19, 287.20, F.S.; conforming those sections to ss. 943.45, 943.47, 943.48, 943.49, 943.50, F.S., which are created by this act and which transfer the duties relating to state-owned, state-leased, and state-operated aircraft from the Division of Motor Pool of the Department of General Services to the Bureau of Aircraft of the Division of Staff Services of the Department of Law Enforcement; deleting obsolete provisions; providing clarifying language; amending cross-references; amending s. 288.816, F.S.; conforming that section to the repeal of sections of ch. 281, F.S.; creating s. 316.0665, F.S.; allowing the Department of Highway Safety and Motor Vehicles to continue to make available copies of accident reports; authorizing fees; amending s. 316.2935, F.S.; providing that the Department of Environmental Regulation shall adopt certain rules relating to air pollution control equipment; amending s. 316.545, F.S.; providing that the executive director of the Department of Law Enforcement is a permanent member of the Commercial Motor Vehicle Review Board; amending s. 319.324, F.S.; clarifying that the joint use of the Odometer Fraud Prevention and Detection Trust Fund continues; creating s. 321.015, F.S.; defining the term "member" of the Florida Highway Patrol; amending s. 321.02, F.S.; providing that the director of the Division of Florida Highway Patrol of the Department of Law Enforcement is the commander of the Florida Highway Patrol; prescribing duties of the director; providing duties of the Department of Law Enforcement relating to the Florida Highway Patrol; amending s. 321.03, F.S.; deleting language that was transferred to s. 321.02, F.S.; amending s. 321.04, F.S.; deleting superfluous language; limiting statutes under which a patrolman may receive benefits to "pertinent statutes"; amending s. 321.05, F.S.; allowing lawful searches, rather than

allowing only those that are incident to a lawful arrest; repealing ss. 321.06, 321.07, 321.08, 321.09, 321.12, F.S., relating to civil service, compensation of employees and officers, bonds required of certain employees and officers, salaries and expenses to be paid from the General Revenue Fund, and penalties for violating ch. 321, F.S.; amending ss. 321.15, 321.17, 321.18, 321.19, 321.20, 321.21, 321.222, F.S.; amending provisions relating to the Highway Patrol Pension Trust Fund and other matters relating to the retirement or death of a member of the Florida Highway Patrol; amending s. 321.23, F.S.; allowing the Florida Highway Patrol to make available copies of accident reports and homicide reports; authorizing fees; providing for the deposit of fees into appropriate trust funds; amending s. 321.25, F.S.; providing for the training of local officers in patrol schools; providing for course fees; providing priorities for the subject matter to be offered; providing for officers to pay the fees; amending s. 337.406, F.S.; allowing that section to be enforced by the Department of Law Enforcement; amending s. 403.061, F.S.; requiring the Department of Environmental Regulation and the Department of Law Enforcement to cooperate on developing certain regulations; amending s. 403.415, F.S.; providing that the test procedures for determining compliance with that section, which pertains to motor vehicle noise, shall be established by the Department of Environmental Regulation in cooperation with the Department of Law Enforcement; amending s. 404.20, F.S.; providing that the Department of Law Enforcement is one of the departments authorized to enforce rules relating to the transportation of radioactive materials; amending s. 843.16, F.S.; providing that the term "emergency vehicle" includes certain motor vehicles designated as emergency vehicles by the Department of Law Enforcement; amending s. 932.705, F.S.; transferring the Law Enforcement Trust Fund to the Department of Law Enforcement; expanding the potential sources of moneys to be deposited into the trust fund; amending s. 943.03, F.S.; expanding the powers of the Department of Law Enforcement relating to the administration and enforcement of ch. 943, F.S., relating to destroying obsolete documents, relating to photographing documents, records, and reports and to allowing the photographs to be admissible into evidence, relating to adopting rules for operating an employees' benefit fund and to depositing into that fund certain proceeds from vending machines and from the sale of Florida Highway Patrol mementos, and relating to adopting fees for copying its personnel files and to depositing those fees into its operating budget; amending s. 943.04, F.S.; allowing the department to conduct investigations for the purpose of enforcing chs. 327, 328, F.S.; amending s. 943.1755, F.S.; amending the membership of the Criminal Justice Executive Institute's policy board; repealing s. 943.1755(7), F.S., relating to a report to be submitted to the Legislature by a date that has passed; amending s. 943.381, F.S.; authorizing an expansion of the functions of the Department of Law Enforcement; creating s. 943.41, F.S.; creating the Division of Florida Highway Patrol; providing for a director; providing the director's duties; creating s. 943.45, F.S.; creating the Bureau of Aircraft of the Division of Staff Services of the Department of Law Enforcement; providing powers and duties of the bureau relating to state-owned aircraft or state-leased aircraft; creating s. 943.47, F.S.; providing for limitations on the use of aircraft owned, leased, or operated by any state agency; creating s. 943.475, F.S.; providing penalties for violating ss. 943.45-943.50, F.S., or rules adopted under those sections; creating s. 943.48, F.S.; providing for the repair and service of aircraft by state agencies and for compensation for such repair or service; creating s. 943.49, F.S.; providing for the transfer of funds relating to state-owned aircraft or state-leased aircraft from other state agencies to the Department of Law Enforcement; creating s. 943.50, F.S.; providing for the applicability of ss. 943.45-943.49, F.S.; creating s. 943.001, F.S.; creating an advisory council to facilitate communications between local law enforcement and the Department of Law Enforcement; creating a study commission; providing purpose; providing for a report; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Thurman—

CS for SB 1736—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing the use of tax revenues for public recreational parks in less populous counties; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Weinstock and Casas—

CS for SB 1768—A bill to be entitled An act relating to foster care; amending s. 39.453, F.S.; revising provisions relating to the use of citizen review panels in reviewing the status of a child; revising provisions relating to information provided to a panel; amending s. 39.4531, F.S.; revising

provisions relating to citizen review panels; providing for the establishment, composition, and administration of such panels; providing duties of independent not-for-profit agencies administering such panels; providing an effective date.

By the Committees on Finance, Taxation and Claims; Governmental Operations; and Senator Forman—

CS for CS for SB 1788—A bill to be entitled An act relating to allocation of the state volume limitation for private activity bonds; amending ss. 159.803, 159.804, 159.805, 159.806, 159.807, 159.809, F.S., and creating s. 159.8081, F.S.; adding a definition; establishing a statewide set-aside pool for allocation for manufacturing facilities under the state volume limitation for federally tax-exempt private activity bonds issued in this state; providing for the amount of the pool; specifying how allocations from the pool may be obtained; specifying time limits between allocation and issuance of bonds; specifying the disposition of unused allocation capacity at a time certain; providing for review by the Department of Commerce and the Department of Community Affairs; providing a contingency if provisions for manufacturing facility bonds expire under federal law; deleting an obsolete provision; repealing s. 159.808, F.S., relating to the small issuer pool, to conform to another law that repealed that section effective January 1, 1988; providing an effective date.

By the Committee on Appropriations and Senator Malchon—

CS for SB 1864—A bill to be entitled An act relating to fiscal matters; amending s. 27.702, F.S.; requiring the capital collateral representative to file certain motions for compensation and reimbursement and providing for deposit of funds into a trust fund; repealing s. 27.3455(9), F.S., relating to the future repeal of provisions regarding additional court costs; amending ss. 27.38, 27.60, F.S.; authorizing expenditure of appropriated state funds for items enumerated in s. 27.34 or s. 27.54, F.S.; providing for reporting requirements; providing an effective date.

By the Committee on Community Affairs and Senator Grizzle—

CS for SB 1882—A bill to be entitled An act relating to comprehensive planning; amending s. 163.3174, F.S.; prescribing the local planning agency's duties with respect to plan amendments; amending s. 163.3177, F.S.; prohibiting certain rule challenges prior to a specified date; amending s. 163.3184, F.S.; redefining the term "affected person"; specifying certain time limits; providing duties of certain persons with respect to plan amendments; providing for preservation of issues by intervenors; providing for resolution of issues through compliance agreements; amending s. 163.3187, F.S.; revising procedures for reviewing small scale amendments; prescribing powers and duties of the state land planning agency with respect to plan amendments; amending s. 163.3191, F.S.; prescribing a date for initial evaluation and appraisal reports; amending s. 380.06, F.S.; amending the criteria for presuming whether a substantial deviation has been created and determining whether further development-of-regional-impact review is therefore required; requiring an evaluation of the development-of-regional-impact program; providing for continued validity of existing agreements; providing severability; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 1900—A bill to be entitled An act relating to coastal resources; amending ss. 380.21, 380.22, F.S.; transferring lead agency authority under the Coastal Zone Management Act from the Department of Environmental Regulation to the Department of Community Affairs; amending s. 380.23, F.S.; providing for the transfer of authority; providing procedures for agency review of federal activities; amending s. 380.31, F.S.; including the Secretary of Labor and Employment Security on the Coastal Resources Interagency Management Committee; amending s. 380.33, F.S.; designating the Secretary of Community Affairs as the chairperson of the Coastal Resources Interagency Management Committee and the Secretary of Environmental Regulation as the vice chairperson; providing for the Department of Community Affairs to provide staff to the committee; continuing ss. 380.31, 380.32, 380.33, F.S., relating to the Coastal Resources Interagency Management Committee, notwithstanding their scheduled repeal; repealing ss. 380.31, 380.32, 380.33, F.S., effective October 1, 1994; providing for review by the Legislature prior thereto; transferring the state coastal management program functions to the Department of Community Affairs; providing for a position; repealing ss. 380.19, 380.28, F.S., relating to the Florida Coastal Coordinating Council and relating to the South Atlantic and Gulf States Coastal Protection Compact; providing an effective date.

By the Committee on Criminal Justice and Senators Weinstein and Grant—

CS for SB's 1908 and 170—A bill to be entitled An act relating to contraband forfeiture; amending s. 932.701, F.S.; providing definitions; amending s. 932.702, F.S.; revising language with respect to the transportation, concealment, or possession of contraband articles; amending s. 932.703, F.S.; revising language with respect to forfeiture; prohibiting use of seized property until perfected; providing exceptions; providing for reasonable maintenance; providing for the seizure of real property; providing for notice of adversarial hearing; providing for least restrictive means; providing for forfeiture of other property; providing a burden of proof to protect interests; providing for the protection of husband and wife interests; amending s. 932.704, F.S.; providing a policy statement; providing exceptions for rented or leased vehicles; providing procedures; providing for jury trial; providing for notice to owners; providing for his pendens; providing for responsive pleadings; providing for settlements; providing burden of proof for forfeiture; providing for forfeiture; providing for release of property; prohibiting assessment of costs; providing for approval; providing for court costs and attorney fees; creating s. 932.705; providing for disposition of liens and forfeited property; providing for sale of property; providing for disbursement of proceeds; providing for local trust funds; providing expenditures from trust fund; limiting use of trust funds; requiring certain expenditures from trust fund; providing exceptions; providing for state agency trust funds; providing for issuance of titles; providing for reports; prohibiting anticipating forfeiture proceeds; creating s. 932.706, F.S.; providing for training; creating s. 932.707, F.S.; providing penalty for noncompliance with reporting; providing a civil fine; amending s. 895.09, F.S.; clarifying the formula for distributing funds obtained pursuant to forfeiture proceedings under the act; repealing s. 6, ch. 89-102, Laws of Florida; abrogating the repeal of s. 895.09(2), F.S., relating to such distribution formula; amending s. 328.07, F.S.; providing for hull identification numbers; providing exceptions; providing for documentation; providing prohibitions from forfeiture; providing for replacing hull numbers and plates; providing prohibitions from altering and replacing hull numbers; providing an effective date.

By the Committee on Governmental Operations and Senators Davis, Grant, Langley, Johnson and Myers—

CS for SB 1994—A bill to be entitled An act relating to study or advisory bodies; abolishing certain study or advisory bodies that are not federally funded; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Forman—

CS for SB 2034—A bill to be entitled An act relating to persons with disabilities; providing for the implementation of the Americans With Disabilities Act of 1990; providing for the duties of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; providing for a statewide plan; amending s. 117.01, F.S.; providing for a surcharge on applications for appointment of notaries public; providing for the deposit of the surcharge into the endowment fund of the Florida Endowment for Vocational Rehabilitation; providing for the use of such moneys; directing the department to adopt certain rules; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Jenne—

CS for SB 2100—A bill to be entitled An act relating to membership campgrounds and resorts, amending ss. 509.501-509.511, F.S., and creating ss. 509.5015, 509.5025, 509.13, F.S.; amending the "Florida Membership Campground Act"; changing the name of the act to the "Florida Membership Campground and Resort Act"; providing definitions; assigning responsibility for administering the act to the Division of Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; requiring a contract for the purchase of the right to use campgrounds or resorts and facilities pursuant to a membership camping or resort plan; providing that a contract may be canceled within a specified time period; requiring that certain disclosures must appear on the contract; requiring certain deposits to be held in a trust account for a specified time period; providing penalties; providing restrictions on advertising materials; providing requirements for prize and gift promotion offers; providing for purchasers' remedies; providing criminal penalties; providing that a violation of the act is a deceptive and unfair trade practice; providing for enforcement and for recovery of damages, civil penalties, attorney's fees and costs; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for SB 2122—A bill to be entitled An act relating to air pollution control; amending s. 403.031, F.S.; providing definitions; amending s. 403.087, F.S.; limiting air pollution source operation permits; creating s. 403.0872, F.S.; providing for operation permits and license fees for major air pollution sources; providing application procedures; providing for administrative hearings; providing uses of license fee revenues; creating s. 403.0873, F.S.; creating the Florida Air Operation License Fee Account; providing for deposit of certain license fees into the fund account and specifying uses of account revenues; amending s. 403.0876, F.S.; providing for application of certain conditions to operation permits for certain air pollution sources; amending s. 403.507, F.S.; providing for submitting certain Department of Environmental Regulation recommendations and reports to the United States Environmental Protection Agency; amending s. 403.509, F.S.; providing for time of effect of certain air pollution operation permits; requiring certified electrical power plants to apply for and obtain a major source air pollution operation permit; amending s. 403.516, F.S.; authorizing the department to modify certain conditions of site certification for electrical power plants; creating s. 403.5175, F.S.; providing for certification of existing electric power plants for purposes of certain permits; providing procedures; amending s. 403.518, F.S.; requiring an operator of an electrical power plant to pay an annual operation license fee; providing for deposit of the fee; creating s. 403.8051, F.S.; creating the Small Business Air Pollution Compliance Advisory Council; providing for membership and duties; creating s. 403.8052, F.S.; requiring the Department of Environmental Regulation to conduct a small business stationary air pollution source technical and environmental compliance assistance program; providing for program content and management; requiring the department to provide small business stationary air pollution sources notice of compliance rights and department rules; authorizing certain air pollution sources to petition the department for inclusion in the program; amending s. 325.222, F.S.; revising definitions; amending s. 325.223, F.S.; prohibiting the sale of certain refrigerants; eliminating obsolete dates; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Malchon—

CS for SB 2144—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; revising legislative intent; providing additional requirements for rules adopted by the Department of Health and Rehabilitative Services; creating the Nursing Home Advisory Committee; providing membership of the committee; providing duties of the committee; revising evaluation requirements for nursing home facilities; revising requirements for rating such facilities; amending s. 400.063, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

By the Committees on Appropriations; International Trade, Economic Development and Tourism; and Senators Thomas, Margolis, Kurth, Weinstein, Meek, Davis, Souto, Casas and Bankhead—

CS for CS for SB 2206—A bill to be entitled An act relating to improving the state economy; providing that the Governor is the principal economic development officer of the state; creating Enterprise Florida, Inc., a nonprofit corporation; providing membership of the board of directors of the corporation; providing terms of office; providing for removal of members; providing for meetings and organization; providing for members of the board to be reimbursed for per diem and travel expenses; providing for financial disclosure by board members; creating the Enterprise Florida Nominating Council; requiring the nominating council to nominate members for appointment to the Board of Directors of Florida Enterprise, Inc., by the Governor; specifying required geographical representation on the Board of Directors; providing for an executive director and employees; providing powers of the board of directors; providing for immunity from liability for acts and omissions of members, agents, and employees and of departmental employees; providing powers of the board; requiring the board to coordinate the state's economic development and develop an economic development plan; requiring the board to make recommendations; requiring an annual audit and annual report; providing for confidentiality of the identity of donors as prospective donors; creating the Florida Film and Television Investment Board; providing the purpose of the board; providing membership requirements; requiring public disclosure; providing powers and duties; creating the Florida Film and Television Investment Trust Fund; authorizing the investment of funds; providing conditions for investment; requiring an annual report; providing for the establishment of a seaport employment

training grant program and trust fund within the Department of Commerce; providing for rulemaking; amending s. 20.17, F.S.; directing the Department of Commerce to develop a comprehensive trade data resource and research center; providing for contracting with the center; amending s. 20.23, F.S.; providing criteria for the Department of Transportation to apply in determining whether to contract with local governmental and private entities for the provision of products or services; amending s. 206.46, F.S.; providing for the transfer of up to \$50 million per fiscal year from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund as needed to pay debt service and associated costs for right-of-way bonds; amending s. 215.605, F.S.; authorizing the department to transfer excess funds from the Right-of-Way Acquisition and Bridge Construction Trust Fund to the State Transportation Trust Fund; deleting a limitation on the use of such excess funds; amending ss. 288.012, 288.025, 288.03, F.S.; authorizing the Department of Commerce to establish and operate offices in specific foreign countries for the gathering of trade data information on trade opportunities in those countries, to assist exporters of goods and services to locate and subscribe to trade data information and research, and to assist entities contracting with the department in the gathering, storing, promoting, packaging, and selling of trade data; amending s. 335.18, F.S.; conforming a cross-reference referring to the State Highway System Access Management Act to a repeal by this act; amending s. 335.181, F.S.; providing legislative findings, policy, and purpose relating to the regulation of access to the State Highway System; amending s. 335.182, F.S.; deleting the authority for local governments to adopt access standards that exceed state standards; providing definitions; amending s. 335.1825, F.S.; providing requirements regarding the construction or alteration of an access connection and the costs for such alterations; amending s. 335.183, F.S.; providing for a graduated schedule of permit fees; deleting the requirement that the department assess a fee of at least \$25 for each permit application; amending s. 335.184, F.S.; requiring that an access permit be filed in the appropriate department district; providing criteria under which a permit may be denied; providing remedies for such denial; amending s. 335.185, F.S.; deleting the authority for the department to require joint use of access; authorizing the department to extend the duration of a permit; amending s. 335.187, F.S.; revising requirements relating to unpermitted access connections and the issuance of nonconforming permits; amending s. 335.188, F.S.; providing criteria for the adoption of an access management system by the department; providing notice requirements; repealing s. 335.189, F.S., relating to delegation of the department's permitting authority; amending s. 337.276, F.S.; authorizing the advancement of the construction phase of a project, the right-of-way of which was acquired through the issuance of bonds; providing additional criteria under which bonds may be used to acquire rights-of-way; amending s. 338.223, F.S.; providing that certain moneys allocated to proposed turnpike projects from the State Transportation Trust Fund need not be repaid to the trust fund, treated as costs of such projects, or considered when determining the economic feasibility of such projects; amending s. 338.2275, F.S.; increasing the approved maximum costs of specified turnpike projects; redefining the Branan Field/Chaffee Road Facility; amending s. 339.135, F.S.; authorizing the loaning of moneys, including state moneys, between transportation districts; prescribing criteria for such loans; requiring that such loans be repaid within a specified period; providing criteria for amendments to the department's adopted work programs; amending s. 341.053, F.S.; specifying the types of projects that may be funded under the department's Intermodal Development Program; deleting a requirement relating to the department's review of funding requests from rail authorities; deleting the requirement that a certain level of intermodal funding be distributed to the transportation districts pursuant to the statutory formula for new construction; providing a limitation on the amount of funds which may be distributed to any single entity or project in a given fiscal year; deleting a requirement regarding the prioritization of projects eligible for funding under the program; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Plummer—

CS for SB 2228—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; providing for an additional use of trust fund moneys; transferring funds from the Florida Coastal Protection Trust Fund to the Water Quality Assurance Trust Fund; providing for repayment to the Florida Coastal Protection Trust Fund; providing an effective date.

By the Committee on Transportation and Senator Grant—

CS for SB 2238—A bill to be entitled An act relating to operating a vehicle or a vessel under the influence; creating s. 322.2616, F.S.; authorizing law enforcement officers to suspend the driver's license of a person under the age of 21 who drives a motor vehicle with a blood or breath alcohol level of 0.02 or above or refuses to submit to a blood or breath alcohol test; providing for consent to be tested; providing procedures; providing for review; providing for appeal to the circuit court; amending s. 316.193, F.S.; providing for notice to the defendant in certain offenses involving driving under the influence that the offender's motor vehicle may be forfeited; creating s. 316.1939, F.S.; providing for seizure and forfeiture of vehicles involved in certain driving-under-the-influence offenses; amending s. 327.35, F.S.; providing for seizure and forfeiture of vessels used in certain operation-of-a-vessel-while-under-the-influence offenses; providing for notice; amending s. 316.1932, F.S.; providing for the administration of the breath, blood, and urine test for alcohol, chemical substances, or controlled substances to certain persons; providing for screening; amending s. 316.1933, F.S.; revising provisions with respect to the blood test for impairment or intoxication in cases of death or serious bodily injury; amending s. 322.2615, F.S.; providing a time period during which certain persons whose license has been suspended may not be eligible to receive a driver's license; amending s. 322.28, F.S.; providing a time period during which a restricted license may not be issued with respect to certain persons whose license has been revoked; providing an effective date.

By the Committee on Education and Senator Meek—

CS for SB 2254—A bill to be entitled An act relating to education; amending s. 229.592, F.S., relating to implementation of the state system of school improvement and education accountability; providing additional statutes that shall be held in abeyance; authorizing waiver of the requirements of specified statutes for district school boards under certain circumstances; providing requirements relating to the written request for waiver; deleting requirement for written notice from the Commissioner of Education relating to requested waiver; repealing s. 230.23115, F.S., relating to the Florida Innovations in Elementary Schools Program; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Weinstock, Gordon, Davis, Forman, Burt, Wexler and Bankhead—

CS for SB 2264—A bill to be entitled An act relating to medical practice; creating ss. 455.251-455.256, F.S.; creating the "Patient Referral Act of 1992"; providing legislative intent; providing definitions; prohibiting certain financial arrangements between referring health care providers and providers of health care services; providing for grounds for disciplinary action; providing an exception for specified radiation therapy facilities; providing criminal, civil, and administrative penalties; transferring, renumbering, and amending s. 455.25, F.S.; providing for disclosure of ownership and alternative providers of health care services; providing that administrative action is additional to other remedies and penalties for violation of disclosure provisions; prohibiting kickbacks; prohibiting mark-ups on charges for services rendered by others; requiring licensure of health care services; requiring a license fee; providing prohibited acts; amending s. 407.02, F.S.; directing the Health Care Cost Containment Board to conduct an annual study of charges for radiation therapy procedures; empowering the Health Care Cost Containment Board to establish fees for radiation therapy procedures upon a finding that charges for such procedures exceed a specified amount; establishing a maximum fee schedule for radiation therapy procedures; providing penalties for exceeding a fee schedule; directing the Health Care Cost Containment Board to study other providers of health care services; providing for repeal; directing the Health Care Cost Containment Board to conduct studies relating to health care provider referral patterns; authorizing the Health Care Cost Containment Board to require submission of data; specifying data elements; requiring a report; providing an annual assessment against certain health care providers; repealing s. 458.331(1)(gg), F.S., relating to grounds for disciplinary action with respect to a health care provider who makes certain referrals; repealing s. 459.015(1)(k), F.S., relating to disciplinary grounds for osteopaths; repealing s. 460.413(1)(k), F.S., relating to disciplinary grounds for chiropractors; repealing s. 461.013(1)(j), F.S., relating to disciplinary grounds for podiatrists; repealing s. 463.016(1)(m), F.S., relating to disciplinary grounds for optometrists; repealing s. 466.028(1)(n), F.S., relating to disciplinary grounds for dentists; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for SB 2288—A bill to be entitled An act relating to pollutant discharge prevention and removal; amending s. 376.031, F.S.; providing a definition; amending s. 376.30, F.S.; providing legislative intent; amending s. 376.301, F.S.; providing certain definitions; amending s. 376.302, F.S.; prohibiting certain activities; providing penalties; amending s. 376.303, F.S.; authorizing the Department of Environmental Regulation to adopt rules imposing a schedule of fees for regulated storage systems; amending s. 376.305, F.S.; revising the abandoned tank restoration program; amending s. 376.3071, F.S.; revising provisions specifying uses of the Inland Protection Trust Fund; requiring the department to reimburse certain cleanup costs; abolishing the Financial and Technical Advisory Committee; requiring the department to establish an efficiency task force; providing for membership; providing duties; amending s. 376.3072, F.S.; revising the Florida Petroleum Liability and Restoration Insurance Program; authorizing the department to provide certain restoration coverage; providing a schedule; authorizing the department to conduct audits; requiring interest on overpayments by the department; amending s. 376.3074, F.S.; authorizing the department to collect certain noncompliance fees; providing for a course in storage tank operation and management; amending s. 376.308, F.S.; providing for liability and defenses of certain facilities; amending s. 376.311, F.S.; providing for nonapplication of a penalty; amending s. 376.313, F.S.; providing for joint and several liability; amending s. 376.317, F.S.; deleting certain requirement for a county to adopt a countywide ordinance regulating underground storage tanks; amending s. 206.9935, F.S.; increasing the excise tax for inland protection; reenacting s. 206.9941, F.S., relating to exemptions; amending s. 376.320, F.S.; specifying applicability; amending s. 376.321, F.S.; providing definitions; amending s. 376.322, F.S.; deleting a requirement that the department monitor certain facilities; deleting a requirement that the department issue certain registration certificates; amending s. 376.323, F.S.; changing date of tank registrations; increasing the registration fee; requiring the department to issue certain registration placards; amending s. 376.324, F.S.; revising facility containment and integrity plan requirements; amending s. 376.325, F.S.; requiring new and replacement tanks to have secondary containment; amending s. 376.326, F.S.; providing for applicability; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Gordon—

CS for SB 2306—A bill to be entitled An act relating to nursing home and adult congregate living facility care; authorizing the Department of Health and Rehabilitative Services to establish standards for monthly personal laundry charges and providing penalties; authorizing the Health Care Cost Containment Board to study the personal laundry costs incurred by nursing homes and adult congregate living facilities and report to the Legislature; providing an effective date.

By the Committee on Governmental Operations and Senator Yancey—

CS for SB 2326—A bill to be entitled An act relating to public construction contracts; requiring the Department of General Services to study alternative procedures for awarding state agency construction contracts; providing for a report; providing an effective date.

By the Committee on Governmental Operations and Senator Girardeau—

CS for SB 2356—A bill to be entitled An act relating to small and minority businesses; requiring community colleges to conduct statistical disparity studies; amending ss. 288.703, 120.54, F.S.; revising the definition of the terms "small business" and "minority business"; providing for consideration of impacts on small businesses and minority businesses when adopting rules; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 2358—A bill to be entitled An act relating to high-speed rail transportation; creating s. 341.3201, F.S.; naming the Florida High-Speed Rail Transportation Act; amending s. 341.321, F.S., relating to the findings and purpose of high-speed rail development; revising cross-references; deleting references to the former Florida High-Speed Rail Transportation Commission; amending s. 341.322, F.S.; revising, adding, and deleting definitions relating to high-speed rail transportation; amending s. 341.325, F.S.; revising cross-references; conforming terminology; assigning the powers and duties of the former commission to the Department of Transportation; requiring a written analysis of the agency

reports on a certification application; amending s. 341.327, F.S., relating to need for a high-speed rail transportation system; revising cross-references; conforming terminology; amending s. 341.329, F.S., relating to bonds and project financing; requiring that bonds be issued in accordance with federal and state laws and regulations; revising cross-references; conforming terminology; providing an exception to the financing of bonds from revenues of the high-speed rail transportation system; changing the information required on the face of the bonds; deleting provisions relating to bond sale requirements; amending s. 341.331, F.S., relating to the designation of service areas and transit station locations; authorizing a method for a franchisee to propose changes in transit stations; amending s. 341.332, F.S., relating to franchises; deleting a provision that requires adherence to the State Minimum Building Code; revising cross-references; deleting a provision that requires a list of permits and licenses necessary for ancillary facilities; requiring a franchisee to coordinate its facilities and services with existing operations; authorizing a franchisee under certain circumstances to perform certain activities relating to the high-speed rail transportation system; providing a method for a franchisee to convey property to another person during the term of the franchise, with certain restrictions; requiring the department to include certain provisions in the franchise to protect the continued operation of the franchise; revising cross-references; conforming terminology; creating s. 341.3331, F.S., relating to requests for proposals; specifying that a public meeting be followed by the issuance of a request for proposals; creating s. 341.3332, F.S., relating to notice of issuance of the requests for proposals; requiring that certain notice be given; creating s. 341.3333, F.S., relating to the application for franchise; requiring that the application correspond to the request for proposals; providing an exemption from the public records law until the opening of the applications; prohibiting the acceptance of an application without the appropriate fee; requiring filing of copies; prohibiting amendments to applications before the award is made; creating s. 341.3334, F.S., relating to the franchise review process; providing criteria to the Department of Transportation for assessing applications; providing for comments by affected agencies; requiring a public meeting on the applications; requiring a notice of proposed agency action; creating s. 341.3335, F.S.; requiring interagency coordination of the franchise application review; creating s. 341.3336, F.S.; requiring a public meeting on the franchise application; creating s. 341.3337, F.S., relating to determination and award of franchise; requiring the department to provide notice of the proposed agency selection of a franchisee; providing for administrative proceedings; providing an exception; providing for the award or for rejection of all applications; creating s. 341.3338, F.S.; providing the effect of the grant of the franchise; creating s. 341.3339, F.S.; authorizing post-franchise agreements; amending s. 341.334, F.S.; providing for the powers and duties of the department; revising cross-references; deleting references to the commission, its records, and its expenses; amending s. 341.335, F.S.; revising the powers and duties relating to ss. 341.3201-341.386, F.S., of the Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission; amending s. 342.336, F.S.; revising the powers and duties relating to ss. 341.3201-341.386, F.S., of the Department of Environmental Regulation and the Department of Community Affairs; revising cross-references; conforming terminology; creating s. 341.3365, F.S., relating to the certification procedure; requiring the Department of Transportation to adopt a rule for the processing of certification applications; repealing s. 341.338, F.S., relating to submission of requests for proposals to the former commission; repealing s. 341.339, F.S., relating to notice of issuance of requests for proposals by the former commission; amending s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; allowing, rather than requiring, a rule to establish a procedure for the department to enter agreements regarding the certification application; amending s. 341.343, F.S., relating to review of application; revising the responsibilities of the agencies; providing for a request for additional information; deleting a reference to the Franchise and Environmental Review Committee; deleting a reference to the commission; providing for a certification hearing; deleting the review of applications for sufficiency; providing for amendments to certification applications; providing for review of amendments; amending s. 341.344, F.S.; abolishing the Franchise and Environmental Review Committee and creating the Citizens' Planning and Environmental Advisory Committee; correcting and revising cross-references; conforming terminology; providing for admissibility of the report of the committee in a certification proceeding or administrative hearing; amending s. 341.345, F.S., relating to alternate corridors or transit station locations; prescribing a new time limit; revising cross-references; providing for amendments to the application to accept a proposed alternative; revising cross-references; amending s. 341.346, F.S., relating to appointment of hearing officers; revising

cross-references; requiring one hearing officer, rather than a panel, to conduct a hearing; deleting a reference to alteration of time limitations; creating s. 341.3465, F.S.; providing for alteration of time limitations; amending s. 341.347, F.S., relating to local government hearings; changing the deadline for local hearings; providing for the payment of the cost of notices and transcripts by the franchisee; amending s. 341.348, F.S.; revising the provisions relating to reports and studies; revising cross-references; changing the deadlines; providing for additional copies of reports; requiring the department to analyze the agency reports on certification applications; specifying the content of the analysis; amending s. 341.351, F.S., relating to publication of notice of certification application and proceedings; changing the time limitations; revising cross-references; deleting adoption of a certain rule; amending s. 341.352, F.S., relating to certification hearings; changing the time limitation; conforming terminology; amending s. 341.353, F.S.; revising provisions relating to final disposition of certification applications, rather than certification components; clarifying provisions; providing that the terms and conditions of the certification order become terms and conditions of the franchise; providing a reasonable time period for modification of an agreement; repealing ss. 341.355, 341.358, 341.361, F.S., relating to the assessment and award of the franchise component by the former commission; amending s. 341.363, F.S.; revising cross-references; replacing the term "franchise" with the term "certification"; changing the time limitations and requirements for certification; clarifying existing provisions; amending s. 341.364, F.S., relating to appeals of development orders to the Governor and Cabinet; adding the right to appeal for inconsistency with terms and conditions of the certification; creating s. 341.365, F.S., relating to associated development and development rights; authorizing a franchisee to undertake certain associated development; amending s. 341.366, F.S., relating to recording of notice of certified corridor route; revising cross-references; requiring the department to file a notice of the award of certification; clarifying current provisions; amending s. 341.386, F.S.; providing for modification of certification or franchise; revising cross-references; providing for changing or adding to the terms and conditions in certification; deleting references to ancillary facilities; providing that terms and conditions of a final order of the Governor and Cabinet are added to the terms and conditions of certification; amending s. 341.369, F.S., relating to fees; revising cross-references; requiring a certification application fee, rather than a certification component fee; deleting an annual franchise fee; amending s. 341.371, F.S.; providing for revocation or suspension of franchise or certification; revising cross-references; amending s. 341.372, F.S., relating to administrative fines; revising cross-references; clarifying current provisions; amending s. 341.375, F.S., relating to participation by certain individuals; revising cross-references; conforming terminology; amending s. 341.381, F.S.; providing for applicability; revising cross-references; amending s. 341.382, F.S., relating to superseding laws and regulations; revising cross-references; amending s. 341.383, F.S., relating to assessing of fees by local governments; revising cross-references; conforming terminology; repealing s. 341.385, F.S., relating to prohibition against certain development orders; amending s. 341.386, F.S., relating to admissibility of award of franchise and certification in eminent domain proceedings; adding references to award of a certification; revising cross-references; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 648, which became law without his signature on February 25, 1992.

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Architecture and Interior Design Appointee: Fronczak, David, Tallahassee	12/17/95
Florida Citrus Commission Appointee: Davis, Joe L., Sr., Wauchula	05/31/95
Construction Industry Licensing Board Appointee: Watts, Robert E., Jr., Tallahassee	09/30/92
Board of Cosmetology Appointee: Stone, Ann E., Mt. Dora	01/01/96
Board of Professional Engineers Appointee: Langbein, Charles E., Jr., Winter Haven	12/20/95
Florida State Fair Authority, Congressional District 7 Appointee: Robbins, Bruce M., Jr., Tampa	06/30/94
Florida State Fair Authority, Congressional District 17	

<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Stengel, John H., Hollywood	06/30/95
Board of Massage Appointee: Ulrich, Daniel A., Tampa	01/01/96
Board of Optometry Appointee: Foreman, Ronald R., Lake City	12/28/95
Jacksonville Port Authority Appointee: Strickland, Barbara Suddath, Jacksonville	09/30/94
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc. Appointees: Flood, Thomas J., Naples Goldman, David S., Belleair	09/30/95 09/30/95
Board of Psychological Examiners Appointee: Rosner, Alan E., Jacksonville	09/30/95
South Florida Regional Planning Council, Region 11 Appointees: Boyd, Charles W., Ft. Lauderdale Krinzman, Richard N., Miami	10/01/92 10/01/92
State Retirement Commission Appointees: Fernandez, Robert F., Gainesville Switts, Jerry J., St. Petersburg	12/31/95 12/31/93
Hillsborough River Basin Board of the Southwest Florida Water Management District Appointee: Pieper, Patricia R., Land O'Lakes	03/01/93
Referred to the Committee on Executive Business, Ethics and Elections.	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES ON SENATE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 1384 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1384—A bill to be entitled An act relating to the establishment of congressional districts; amending s. 8.001, F.S.; providing definitions; amending s. 8.01, F.S.; dividing the state into congressional districts; amending s. 8.011, F.S.; providing for the inclusion of unlisted territory in contiguous districts; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; amending s. 8.03, F.S.; providing for the election of representatives to Congress; providing for nomination and election of candidates from congressional districts created in 1992; providing for severability; repealing s. 8.061, F.S., relating to severability of invalid portions; providing effective dates.

On motion by Senator Gordon, **House Amendment 1**, striking everything after the enacting clause, was not published in the Journal.

On motion by Senator Gordon, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS for SB 1384 APPOINTED

The President appointed Senator Gordon, Co-Chairman; Senators Casas, Forman, Girardeau, Kiser, Thomas and Thurman; and alternates, Senators Dantzler, Souto and Meek as conferees on CS for SB 1384. The action of the Senate was certified to the House.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives returns, as requested, CS for CS for HJR's 1727, 863 and 2035.

John B. Phelps, Clerk

CS for CS for HJR's 1727, 863 and 2035—A joint resolution proposing the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution relating to access to public records.

RECONSIDERATION

On motion by Senator Johnson, the rules were waived and the Senate reconsidered the vote by which **CS for CS for HJR's 1727, 863 and 2035** as amended passed February 18.

On motion by Senator Johnson, the Senate reconsidered the vote by which the Senate concurred in **House Amendment 1 to Senate Amendment 1**.

Senator Johnson moved the following amendment which was adopted:

Senate Amendment 2 to House Amendment 1 to Senate Amendment 1—On page 3, line 14, strike "January" and insert: July

On motion by Senator Johnson, the Senate concurred in **House Amendment 1 to Senate Amendment 1** as amended and the House was requested to concur.

On motion by Senator Johnson, **CS for CS for HJR's 1727, 863 and 2035** as amended was read in full as follows:

CS for CS for HJR's 1727, 863 and 2035—A joint resolution proposing the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution to provide for access to public records and meetings.

Be It Resolved by the Legislature of the State of Florida:

That the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1992:

ARTICLE I DECLARATION OF RIGHTS

SECTION 24. Access to public records and meetings.—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in article III, section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

(c) This section shall be self-executing. The legislature, however, may provide by general law for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

ARTICLE XII SCHEDULE

SECTION 20. Access to public records.—Section 24 of Article I, relating to access to public records, shall take effect July 1, 1993.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes; the title and substance of the amendment proposed herein shall appear on the ballot as follows:

ACCESS TO PUBLIC RECORDS AND MEETINGS.—Proposing an amendment to the State Constitution, effective July 1, 1993, to grant public access to records and meetings of the executive, judicial, and legislative branches of state government, and other governmental entities; to allow the legislature to enact exemptions and rules; continuing existing exemptions until repealed; and to apply existing exemptions relating to records of other governmental entities to judicial and legislative records.

—and as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—37 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 314; and has passed SJR 162 by the required Constitutional three-fifths vote of the membership.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 190

Yeas—36

Madam President	Dantzler	Jenne	Plummer
Bankhead	Davis	Jennings	Souto
Beard	Diaz-Balart	Kirkpatrick	Thomas
Bruner	Dudley	Kiser	Thurman
Burt	Forman	Kurth	Walker
Casas	Gardner	Langley	Weinstein
Childers	Girardeau	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey

Nays—None

CS for SB 396—Amendment 1

Yeas—21

Bankhead	Crenshaw	Jennings	Myers
Beard	Crotty	Johnson	Scott
Bruner	Diaz-Balart	Kirkpatrick	Souto
Burt	Dudley	Kiser	
Casas	Grant	Langley	
Childers	Grizzle	McKay	

Nays—19

Madam President	Girardeau	Meek	Weinstein
Dantzler	Gordon	Plummer	Weinstock
Davis	Jenne	Thurman	Wexler
Forman	Kurth	Walker	Yancey
Gardner	Malchon		

CS for SB 396

Yeas—38

Madam President	Crenshaw	Forman	Jenne
Beard	Crotty	Gardner	Jennings
Bruner	Dantzler	Girardeau	Johnson
Burt	Davis	Gordon	Kirkpatrick
Casas	Diaz-Balart	Grant	Kiser
Childers	Dudley	Grizzle	Kurth

Langley	Myers	Thomas
Malchon	Plummer	Thurman
McKay	Scott	Weinstein
Meek	Souto	Weinstock

Nays—None

CS for SB 1266

Yeas—38

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Burt	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jennings	Plummer	

Nays—None

CS for SB 1498

Yeas—38

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kirkpatrick	Thurman
Bruner	Forman	Kiser	Walker
Burt	Gardner	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Meek	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Nays—None

CS for SB 2308

Yeas—38

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Burt	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jennings	Plummer	

Nays—None

SB 2452

Yeas—39

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Burt	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Jenne	Myers	Yancey
Dantzler	Jennings	Plummer	

Nays—None

ROLL CALLS ON HOUSE BILLS**CS for CS for HJR's 1727, 863 and 2035**

Yeas—37

Madam President	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Burt	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jennings	Plummer	
Davis	Johnson	Scott	

Nays—None

HB 1795—Amendment 1

Yeas—19

Bankhead	Crenshaw	Grizzle	McKay
Beard	Crotty	Jennings	Myers
Bruner	Diaz-Balart	Johnson	Scott
Burt	Dudley	Kiser	Souto
Casas	Grant	Langley	

Nays—21

Madam President	Girardeau	Meek	Weinstock
Childers	Gordon	Plummer	Wexler
Dantzler	Jenne	Thomas	Yancey
Davis	Kirkpatrick	Thurman	
Forman	Kurth	Walker	
Gardner	Malchon	Weinstein	

HB 1795—Amendment 2

Yeas—18

Bankhead	Crenshaw	Grizzle	McKay
Beard	Crotty	Jennings	Myers
Bruner	Diaz-Balart	Johnson	Souto
Burt	Dudley	Kiser	
Casas	Grant	Langley	

Nays—21

Madam President	Girardeau	Meek	Weinstock
Childers	Gordon	Plummer	Wexler
Dantzler	Jenne	Thomas	Yancey
Davis	Kirkpatrick	Thurman	
Forman	Kurth	Walker	
Gardner	Malchon	Weinstein	

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 20 was corrected and approved.

CO-SPONSORS

Senators Bankhead, Wexler—CS for SB 2264

RECESS

On motion by Senator Thomas, the Senate recessed at 3:12 p.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Thursday, February 27 or upon call of the President.

SENATE PAGES

February 24-28

Daniel J. Alvarez, Lake Mary; Lauren Jan Barber, Tarpon Springs; Katherine Ann Brew, Jacksonville Beach; Stephen M. Brocato, Zephyrhills; Heather Calvert, Cedar Key; Carlton Ferrell, Tallahassee; Wendy C. Garfinkle, Hollywood; Jan Gerchick, Plantation; John William Germaine, Altamonte Springs; Hasani Kilpatrick, Tallahassee; Shawn McMillan, Tarpon Springs; Cal A. Smith, Cape Coral; Judson Tyler Spore, Deland; Gina Strickland, Lakeland; Myron T. Williams, Tallahassee; Hillary Whitener, Tallahassee